

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on

File Print

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-0112-01EFP
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

FILED
in the office of the Secretary of State
of the State of California

JAN 22 2015

At **3:51** O'Clock **P** M.By *[Signature]*
Deputy Secretary of State

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (if any)

ORD# 0914-08

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <i>Participation Requirement Changes to the CalWORKs Welfare-to-Work Program</i>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 42-708, 42-709	
		AMEND 42-302, 42-701, 42-711, 42-712, 42-714, 42-716, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111	
TITLE(S) MPP		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☒ Emergency (Gov. Code, §11346.1(b))			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☒ File & Print ☐ Other (Specify) _____			
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☒ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Sylvia Sotelo		TELEPHONE NUMBER (916) 657-1898	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) sylvia.sotelo@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

PETE CERVINKA, Program Deputy Director for Benefits and Services

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 22 2015

Office of Administrative Law

Amend Section 42-302 to read:

per agency
request

42-302 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS

42-302

.1 (Continued)
.2 (Continued)

.21 (Continued)

(a) (Continued)

(b) (Continued)

(1) (Continued)

(2) (Continued)

(3) Being the parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

(A) An individual whose exemption ended on January 1, 2013, pursuant to Section 42-302.21(b)(3) shall not have months count toward his or her CalWORKs 48-month time limit until the CWD reengages him or her in the Welfare-to-Work Program pursuant to Section 42-712.8.

(4) Being the parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. An individual shall be eligible for this 48-month time limit exemption only one time under the CalWORKs Program. This paragraph is effective January 1, 2013. See Section 42-712.475.

(c) (Continued)

(l) Lack of Necessary
Supportive Services

The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

.22 (Continued)

per agency
request

Authority cited: Sections 10553, 10554, ~~and 11369~~, and 11454, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-701 to read:

42-701 INTRODUCTION TO WELFARE-TO-WORK

42-701

HANDBOOK BEGINS HERE

.1 (Continued)

(a) (Continued)

(b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment goals while ~~meeting the federal participation requirements.~~

(c) ~~Mandatory core welfare-to-work participation hours. Unless exempt, adult recipients are required to participate in at least a minimum average of 20 hours per week of core welfare-to-work activities. The balance of their 32 or 35-hour per week participation requirement shall be spent in either core or non-core activities. All welfare-to-work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment. Flexibility in the types of activities recipients can participate in for 24 months. During a Welfare-to-Work 24-Month Time Clock period, adult recipients can participate in any of the CalWORKs activities they need, consistent with their assessments, to obtain employment and become self-sufficient. After this 24-month period is exhausted, adult recipients are limited to activities that meet CalWORKs federal standards in order for the adult to continue receiving cash aid.~~

(d) (Continued)

HANDBOOK ENDS HERE

.2 (Continued)

(a) (1) (Continued)

(b) Reserved

(c) (1) "CalWORKs Federal Standards" means the participation requirements, specified in Section 42-709, a recipient may meet in order to not have a month count toward his or her Welfare-to-Work 24-Month Time Clock, specified in Section 42-708. It also means the participation requirements an adult recipient must meet when he or she has exhausted his or her Welfare-to-Work 24-Month Time Clock in order for the adult to remain eligible for cash aid.

- (2) "CalWORKs Minimum Standards" means the minimum participation requirements an individual must meet, as described in Section 42-711.41, when he or she has months remaining on his or her Welfare-to-Work 24-Month Time Clock.
- (13) (Continued)
- (24) (Continued)
- (35) (Continued)
- (4) ~~"Core Welfare-to-Work Activities" means any of the following welfare-to-work activities: — unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self employment, community service, vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211), and job search and job readiness assistance. Adult basic education, job skills training directly leading to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.~~
- (56) (Continued)
- (67) (Continued)
- (d) (1) (Continued)
- (e) (1) "Education Directly Related to Employment" means education related to a specific occupation, job, or job offer. The activity is primarily for adult education leading to a General Educational Development (GED) credential or high school equivalency diploma, where required as a prerequisite for employment.
- (12) (Continued)
- (23) (Continued)
- (f) (1) (Continued)
- (j) (1) (Continued)

(2) "Job Skills Training Directly Related to Employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.

(23) (Continued)

(34) (Continued)

per agency
request

(k) ~~(Continued)~~

(n) (1) ~~"Non-core Welfare-to-Work Activities" means any of the following welfare-to-work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance. Reserved~~

(o) (1) ~~Reserved~~—"One-parent Assistance Unit", for purposes of Welfare-to-Work Program participation requirements, means an assistance unit that includes only one aided adult who is a natural or adoptive parent, a stepparent, as defined in Section 80-301(s)(11), or another caretaker relative.

(2) "On-the-job Training" means training in the private or public sector that is given to a paid participant while the participant is engaged in productive work. The employer is subsidized to offset training costs. This activity may also include paid classroom instruction as required by the participant's employer.

(3) "Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2.

(p) (1) (Continued)

(s) (1) ~~"Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.~~

- (1) "Self-employment" means employment by means of earning a living by working as a sole proprietor or other business entity and not as an employee of another. Self-employment must include compensation as defined under "employment" in Section 42-701.2(e)(2).
- (2) (Continued)
- (3) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- (34) (Continued)
- (t) (1) ~~Reserved~~ "Two-parent Assistance Unit", for the purposes of Welfare-to-Work Program participation requirements, means an assistance unit with two aided natural or adoptive adult parents.
- (u) (1) (Continued)
- (2) "Unsubsidized Employment" means employment in the public or private sector for which the welfare-to-work participant's employer is not reimbursed for wages and/or training costs by the CWD or via any other entity.
- (v) (1) "Vocational Education and Training" or "Vocational Educational Training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations, and includes, but is not limited to, college and community college education, adult education, regional occupational centers, and other occupational programs.
- (12) (Continued)
- (w) (1) (Continued)
- (2) (Continued)
- (3) "Welfare-to-Work 24-Month Time Clock" is defined in Section 42-708.11.
- (34) (Continued)
- (5) "Work Study" means a type of subsidized employment as described in 42-701.2(s)(2) in which the subsidized employment placements are made through a college where a welfare-to-work participant is enrolled and making satisfactory progress.

(x) (Continued)

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(a)(1) and (b)(3)(A), 11322.6, 11322.8(e), ~~(d)~~, and ~~(e)~~, 11322.85, 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)(5).

Adopt Section 42-708 to read:

42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK

42-708

.1 General Provisions and Applicability

.11 "Welfare-to-Work 24-Month Time Clock" refers to a cumulative 24-month period in an individual's lifetime, during which he or she may participate in any approvable activity pursuant to Section 42-716.1, so long as participation is consistent with his or her assessment under Section 42-711.55 and addresses at least one of the following:

.111 A particular need for barrier removal activities or other welfare-to-work activities that are not CalWORKs federal standards core activities as described in Section 42-709.31, including, but not limited to, vocational education beyond the 12-month limitation described in Section 42-709.315.

.112 The circumstances and career goals of the participant.

.12 Individuals subject to Welfare-to-Work 24-Month Time Clock

.121 All adults who are a member of an assistance unit and subject to welfare-to-work participation requirements are subject to the Welfare-to-Work 24-Month Time Clock.

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(a) This includes individuals whose needs have been removed from the family's cash aid due to a school attendance penalty under Section 40-105.5 or an Intentional Program Violation (IPV) under Sections 20-350 through 20-353.

(b) This includes individuals who are in an assistance unit which is receiving a grant of less than \$10 per month.

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.122 If a participant transfers from one assistance unit into another assistance unit, his or her Welfare-to-Work 24-Month Time Clock transfers with him or her. The individual is not entitled to a new Welfare-to-Work 24-Month Time Clock or a restarting of his or her Welfare-to-Work 24-Month Time Clock due to the assistance unit transfer.

.13 Individuals who are not subject to the Welfare-to-Work 24-Month Time Clock

.131 Cal-Learn Exclusion

- (a) Individuals who are required to participate in, participating in, or exempt from the Cal-Learn Program as described in Sections 42-762 through 42-769 are not subject to the Welfare-to-Work 24-Month Time Clock.

.132 Non-Parenting Dependent Teens

- (a) Individuals who qualify for aid, are 16- or 17-years old, are non-parenting dependent teens, and are required to attend high school are not subject to the Welfare-to-Work 24-Month Time Clock.

.133 Non-Cal-Learn 19-Year Old Custodial Parents

- (a) Individuals who qualify for aid, are 19-years old, and have not obtained a high school diploma or its equivalency are not subject to the Welfare-to-Work 24-Month Time Clock.

.134 Non-Minor Dependent Exclusion

- (a) Individuals who are non-minor dependents and are not required to participate in welfare-to-work in accordance with Section 42-712.13.

.14 Individuals with a Break in Aid

.141 Individuals with a break in aid longer than 30 days, upon return to aid shall have a new welfare-to-work plan developed under Section 42-711.6.

- (a) If a participant was not previously assessed in accordance with Section 42.711.55, the participant must complete an assessment under Section 42-711.55.
- (b) If the participant was previously assessed in accordance with Section 42.711.55, the CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.
- (c) Once the participant signs a new welfare-to-work plan in accordance with Section 42-711.6, his or her Welfare-to-Work 24-Month Time Clock starts the first of the following month after his or her plan sign date, unless the individual meets a condition described in Section 42-708.3 that allows for a month not to count toward his or her Welfare-to-Work 24-Month Time Clock.

.142 Individuals with a break in aid of less than 30 days, who had an active welfare-to-work plan developed under Section 42-711.6 when he or she left aid, shall continue in his or her welfare-to-work plan if the welfare-to-work plan is appropriate based on the individual's specific circumstances and is consistent with his or her assessment under Section 42-711.55.

(a) The Welfare-to-Work 24-Month Time Clock will begin or resume the first of the month following the date the participant's aid resumed, unless the participant meets a condition described in Section 42-708.3 that permits a month not count toward his or her Welfare-to-Work 24-Month Time Clock.

(b) If the participant's welfare-to-work plan is no longer appropriate upon re-entry into the Welfare-to-Work program, months shall not count towards his or her Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.325 until he or she has signed a new welfare-to-work plan in accordance with Section 42-711.6.

(c) The CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.

.15 Impact of the CalWORKs 48-month Time Limit on the Welfare-to-Work 24-Month Time Clock

.151 Participants who have reached their CalWORKs 48-month time limit in accordance with Section 42-302.1, but have time remaining on their Welfare-to-Work 24-Month Time Clock are not entitled to continue participating in the welfare-to-work program unless they qualify for a 48-month time limit exception under Section 42-302.11.

.152 For a participant granted a 48-month time limit exception under Section 42-302.11 who has yet to exhaust the Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, he or she may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Time Clock is exhausted, at which time he or she must meet CalWORKs federal standards.

.2 Counting Months Toward the Welfare-to-Work 24-Month Time Clock

.21 The Welfare-to-Work 24-Month Time Clock is effective January 1, 2013. No months prior to January 1, 2013 shall count toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock.

- .22 Months shall begin counting toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock the first of the following month after he or she signs a welfare-to-work plan in accordance with Section 42-711.6, which includes mutually agreed upon welfare-to-work activities under Section 42-716 and supportive services pursuant to Section 42-750.
- .23 Months count toward an individual's Welfare-to-Work 24-Month Time Clock in a cumulative fashion.
- .24 Any month in which a participant who is subject to the Welfare-to-Work 24-Month Time Clock meets a condition under Section 42-708.3 shall not count toward the participant's Welfare-to-Work 24-Month Time Clock.
- .25 When verification indicates an individual whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock the first of the month following the date the CWD received the verification.

 - .251 The CWD shall inform the participant of the change in status to his or her Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.63.
 - .252 Individuals who have not been assessed in accordance with Section 42-711.5 whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards in accordance with Section 42-709.52 shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.
- .3 Conditions that Shall Make a Month Not Count Toward the Welfare-to-Work 24-Month Time Clock

 - .31 The individual meets CalWORKs federal standards as specified in Section 42-709.

 - .311 Any month during which a CWD receives verification that indicates an individual has participated in hours and approved activities that meet CalWORKs federal standards in accordance with Section 42-709.52, shall be retroactively restored to that individual's Welfare-to-Work 24-Month Time Clock.
 - .32 The individual meets any one of the following conditions:

 - .321 Welfare-to-Work Exemption

- (a) The individual qualifies for a welfare-to-work exemption from participation under Section 42-712.

.322 Good Cause

- (a) The individual is in a welfare-to-work plan that is designed to meet CalWORKs minimum standards and was excused by his or her CWD from participation in welfare-to-work activities for good cause in accordance with Section 42-713, for at least 50 percent of his or her hourly participation requirement for the month(s).

.323 Domestic Abuse

- (a) The individual has been identified as a past or present victim of domestic abuse and the CWD has granted a waiver for a month(s) to not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42.713.22.

.324 Welfare-to-Work Sanction

- (a) The individual is removed from the assistance unit due to a sanction pursuant to Section 42-721.4.

.325 Appraisal, Job Search, Assessment, or Developing a Welfare-To-Work Plan

- (a) The individual is participating in the appraisal process under Section 42-711.52, the assessment process pursuant to Section 42-711.55, job search pursuant to Section 42-711.53, or the individual does not have an active welfare-to-work plan and is in the process of developing a plan pursuant to Section 42-711.63.
- (b) The individual is participating in job search or job readiness that meets CalWORKs federal standards as specified in Section 42-709.
- (c) The individual is participating in a welfare-to-work plan developed in accordance with Section 42-711.6 where job search accounts for at least 50 percent of the individual's participation hours in a given month.
- (1) Paragraph (c) is limited to two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance specified in paragraph (b).

.326 Excused Parent

- (a) The individual is an excused parent in an assistance unit in accordance with Sections 42-712.12 and 42-712.14.

- (1) If the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin once requirements of Section 42-708.22 are met.
- (2) If the excused parent volunteers to participate, months do not count toward his or her Welfare-to-Work 24-Month Time Clock unless the situation provided in paragraph (1) occurs.
- (3) In accordance with Section 42-712.12, if the mandatory parent is fully meeting the assistance unit's hourly participation requirement and the excused parent is volunteering to participate in welfare-to-work, if the parents' combined number of hours and activities is such that the assistance unit meets CalWORKs federal standards in a given month, that month will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

.4 Special Rules for Two-Parent Assistance Units

- .41 Each adult in a two-parent assistance unit has his or her own individual Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.121.
- .411 Months will count toward the Welfare-to-Work 24-Month Time Clock for each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum standards, unless one or both of the participants meet a condition under Section 42-708.3 that would make a month not count toward the Welfare-to-Work 24-Month Time Clock.

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.42 The Welfare-to-Work 24-Month Time Clock Applied to Two-Parent Assistance Unit Configurations

.421 Two Mandatory Parents Participating and Sharing Hours

- (a) If both parents in a two-parent assistance unit are required to participate in welfare-to-work and are meeting CalWORKs federal standards, months will not count toward either parent's Welfare-to-Work 24-Month Time Clock.
- (b) If both parents participate but do not meet CalWORKs federal standards, both parents will have months count toward his or her respective Welfare-to-Work 24-Month Time Clock unless one or both meets a condition under Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

.422 First Parent is Participating and Second Parent is Excused

- (a) If one parent agrees to fully meet the CalWORKs minimum standards for two-parent assistance units, the second parent is excused from welfare-to-work participation in accordance with Section 42-712.12 and months will not count toward the second parent's Welfare-to-Work 24-Month Time Clock.

.423 First Parent Participating and Second Parent is Exempt (other than an exemption based on a disability pursuant to Section 42-712.44)

- (a) When one parent has a welfare-to-work exemption that is not based on a disability, the other parent must fulfill the assistance unit's CalWORKs minimum standards, unless the exempt parent volunteers to participate and contribute toward the assistance unit's 35-hour per week participation requirement.
- (b) Months will not count toward the exempt parent's Welfare-to-Work 24-Month Time Clock.
- (c) Months will count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock unless the assistance unit is meeting CalWORKs federal standards or the mandatory parent is found to meet a condition under Section 42-708.32 that makes a month not count towards the Welfare-to-Work 24-Month Time Clock.

.424 Two Parents Participating and One Parent is a Volunteer

- (a) Exempt and excused second parents may choose to volunteer in welfare-to-work.
- (b) Months do not count toward the exempt or excused second parent's Welfare-to-Work 24-Month Time Clock, regardless of whether they choose to volunteer in welfare-to-work.
- (c) An exempt or excused parent's voluntary participation may contribute towards meeting CalWORKs federal standards.
- (d) Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

HANDBOOK ENDS HERE

.5 Special Rules for Other Assistance Unit Configurations

.51 One-Parent Assistance Units with a Second Parent in the Home who has Reached the CalWORKs 48-month Time Limit

.511 Months will count toward the aided parent's Welfare-to-Work 24-Month Time Clock, unless he or she is found to meet a condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.3.

.512 When determining if the aided parent meets CalWORKs federal standards only, the CWD shall consider any hours for which the CWD has received verified documentation of participation by the second parent.

.52 One-Parent Assistance Units with a Second Parent in the Home who is Sanctioned

.521 Months will count toward the non-sanctioned parent's Welfare-to-Work 24-Month Time Clock, unless that parent's level of participation meets CalWORKs federal standards or he or she is found to meet another condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.32.

.522 If a sanctioned parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered for determining if the family is meeting CalWORKs federal standards only.

.53 Assistance Units with Optional Stepparents

.531 Assistance Units with an optional stepparent as defined in Section 42-701.2(o)(3)

(a) Months will count toward an optional stepparent's Welfare-to-Work 24-Month Time Clock when he or she is participating to meet the assistance unit's CalWORKs minimum standards, unless he or she meets a condition that makes a month not count toward his or her Welfare-to-Work 24-Month Time Clock in accordance to Section 42-708.3.

.54 Assistance Units with Three or More Adults

.541 In two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.

.542 Additional adults who are not contributing hours will be excused from participation in accordance with Section 42-708.326.

.543 An exempt or excused parent's voluntary participation may, in combination with the participation of one other adult, contribute toward meeting CalWORKs federal standards.

.544 Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.

.6 Noticing Requirements for the Welfare-to-Work 24-Month Time Clock

.61 CWDs are required to provide participants with a written notice informing them of the status of their Welfare-to-Work 24-Month Time Clocks at the following intervals:

.611 At the time an individual applies for cash aid.

.612 At the participant's annual redetermination for cash aid.

.613 At least once between months 18 and 21 on a participant's Welfare-to-Work 24-Month Time Clock.

.614 At the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.

.62 The notice specified in Section 42-708.61 shall include all of the following:

.621 The number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.

.622 The participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Clock and that failure to meet those participation requirements may result in the noncompliant adult being removed from the assistance unit.

.623 How a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock.

.624 Information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards under Section 42-709.

.625 Information on and how to apply for an exemption from welfare-to-work participation and an extension to the Welfare-to-Work 24-Month Time Clock.

.63 Noticing related to changes in participation

.631 Except for individuals described in Section 42-708.252, when verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-711.63 has not met those standards, the CWD shall inform the individual of the following as soon as administratively feasible:

(a) That months will count toward the individual's Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that the individual was not meeting CalWORKs federal standards.

.7 Welfare-to-Work 24-Month Time Clock Extensions

.71 CWD Extension Estimates

.711 The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.

.712 The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.

.713 The Department shall estimate the number of assistance units that will meet the criteria provided in Section 42.708.712 in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.

.714 If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.

.715 Each CWD shall report information regarding the number and percentage of extensions granted.

.716 If a CWD grants more extensions than the number that was estimated by the Department in accordance with Section 42-708.713, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

- (a) Upon receipt of the information requested in accordance with Section 42-708.716, the Department may request the CWD to submit a plan to bring the CWD into compliance with the number of extensions available.

.72 Requesting Extensions

.721 An individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock.

- (a) The individual may present evidence to the CWD that he or she meets any of the following circumstances:

- (1) The individual is likely to obtain employment within six months.
- (2) The individual has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment.

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- (A) Example 1: An individual qualified in forklift operation that is applying for a position at a manufacturing warehouse that will be opening soon or at a new construction project may be considered as likely to obtain employment within six months.
- (B) Example 2: Unique labor market barriers temporarily preventing employment may include situations where a primary employer in the local area has closed or moved, such as a factory that has recently shut down operation or relocated out of the area. This would create a significant labor force disruption, particularly in the situation where the industry field of the primary employer required a specialized skill set that may not be easily transferable to a different industry field.
- (C) Example 3: Unique labor market barriers temporarily preventing employment may also include local or regional natural disasters, such as a drought or freeze, which impact local labor markets in a way that temporarily causes a disruption to the labor force.

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- (3) The individual has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a SIP under Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.
- (4) The individual needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan under Section 42-711.6, due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.
- (5) The individual has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.
- (6) The individual is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock.
 - (A) Such an individual may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards in accordance with Section 42-711.41.
 - (B) An extension granted under this paragraph is subject to Section 42-708.73 and is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

.73 Extension Determinations and Duration

.731 Prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under Section 42-708.721(a), the CWD must review the individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.

.732 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), a CWD shall grant an extension to the Welfare-to-Work 24-Month Time Clock to an individual who presents evidence that he or she meets any of the extension criteria under Section 42-708.721(a), unless the CWD determines that the evidence presented does not support the existence of the circumstances described in Section 42-708.721(a).

(a) An extension to the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.721(a)(5) shall be granted if the individual provides the CWD with evidence that a hearing date has been established.

.733 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension in accordance with Sections 42-708.721(a)(1) through (4), and (6), the CWD shall have the burden of proof to establish that an extension was not justified.

.734 If a CWD identifies that an individual meets a circumstance described in Section 42-708.721 as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual.

.735 A Welfare-to-Work 24-Month Time Clock extension granted in accordance with Sections 42-708.732 through .734 shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months.

.8 Transitioning Individuals to Meet CalWORKs Federal Standards at the End of the Welfare-to-Work 24-Month Time Clock

.81 The CWD shall conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine the individual's welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock.

.811 This review of an individual's welfare-to-work participation status must include the following:

(a) Determination of the number of months counted toward an individual's Welfare-to-Work 24-Month Time Clock in accordance with Sections 42.708.2 and 42.708.3.

(b) Review of any welfare-to-work exemption the individual may qualify for in accordance with Section 42-712.

(c) Review of any Welfare-to-Work 24-Month Time Clock extension the individual may qualify for in accordance with Section 42.708.72.

- (d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code; SB 1041 (Chapter 47, Statutes of 2012), Sections 17, 18, and 19.

Reference: Sections 10553, 10554, 10604, 11253.3, 11320, 11320.3, 11322.8, 11322.85, 11322.86, 11322.87, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; 45 CFR 260, and 42 U.S.C. 607(c) and (d).

Adopt Section 42-709 to read:

42-709 CALWORKS FEDERAL STANDARDS

42-709

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.1 General Provisions

- .11 The CalWORKs federal standards are based on the Temporary Assistance for Needy Families (TANF) participation requirements and to the extent permitted by this section, shall be construed in a manner consistent with TANF participation requirements.
- .12 Any months in which the adult recipient meets CalWORKs federal standards does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.31.
- .13 After the adult recipient has exhausted his or her Welfare-to-Work 24-Month Time Clock, unless exempt from participation under Section 42-712, the adult recipient must meet CalWORKs federal standards as a condition of cash aid eligibility of the adult.
- .14 Hourly participation requirements are determined in accordance with Section 42-709.2 by the number of parents or caretaker relatives included in the assistance unit, any optional stepparent, as defined in Section 42-701.2(o)(3), who is a member of the assistance unit, whether any other adults reside in the household, and the ages of the children living in the home.

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.2 Hourly Participation Requirements to Meet CalWORKs Federal Standards

- .21 An adult in one-parent assistance unit, as defined in Section 42-701.2(o)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
- .211 Except as specified in Sections 42-709.212 and 213, an adult recipient who is not exempt from participation and who is in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- (a) An average of at least 20 hours per week of participation must be in core welfare-to-work activities, as specified in Section 42-709.31.

.212 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household may participate in welfare-to-work activities for an average of at least 20 core hours per week during the month, as specified in Section 42-709.31 if one of the following conditions are met:

- (a) There is a child under six in the assistance unit.
- (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

.213 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit pursuant to Section 42-721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities as specified in Section 42-709.31.

- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to Section 42-721.4, if the noncompliant parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered toward the 35-hour requirement.

.22 An adult in a two-parent assistance unit that does not include an optional stepparent, as defined in Section 42.701.2(o)(3)

.221 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31. The remaining hours can be in core or non-core activities as specified in Section 42-709.3.

- (a) Both parents may contribute toward the 30 core and 35 average total hourly requirements.

.222 Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second aided adult in the home who is exempt from welfare-to-work requirements due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31. The remaining hours may be in core or non-core activities as specified in Section 42-709.3.

(a) A disabled exempt parent may not contribute to the 30 hours.

.23 Optional stepparents, as defined in Section 42.701(o)(3), in the assistance unit

.231 The hourly participation requirements for meeting CalWORKs federal standards in an assistance unit that includes an optional stepparent are as follows:

(a) A parent or caretaker relative resides in the household, but is not in the assistance unit.

(1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-709.3, for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(b) An assistance unit that has only one natural or adoptive parent

(1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.

(3) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

(c) An assistance unit that has two natural or adoptive parents

- (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31.
- (2) Only two adults in the assistance unit may combine hours to fulfill the minimum and core per week hourly requirements.
- (3) If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the minimum and core hourly requirements.
- (d) An assistance unit that has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability.
 - (1) At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
 - (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
 - (3) If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.

.3 Core and Non-Core Welfare-to-Work Activities for CalWORKs Federal Standards

.31 Core activities for CalWORKs federal standards

.311 Unsubsidized employment, as defined in Section 42-701.2(u)(2), and including

- (a) Self-employment as defined in Section 42-701.2(s)(1)

.312 Subsidized employment, as defined in Section 42-701.2(s)(2), and including

- (a) Grant-based on-the-job training (OJT) as defined in Section 42-701.2(g)(2) and in accordance with Section 42-716.5
- (b) OJT, as defined in Section 42-701.2(o)(2)
- (c) Work study, as defined in Section 42-701.2(w)(5)

.313 Work experience as defined in Section 42-701.2(w)(4) and in accordance with Section 42-716.3(d)

.314 Community service as defined in Section 42-701.2(c)(5) and in accordance with Section 42-716.3(j)

.315 Vocational education as defined in Section 42-716.1(m) that conforms to the following time limit limitation:

(a) Vocational education as a countable core activity is limited to a 12-month lifetime maximum.

.316 Job search as defined in Section 42-701.2(j)(4) and job readiness as defined in Section 42-701.2(j)(3) that conforms to the following time limit limitation:

(a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.

(b) Job readiness may include any of the following activities:

(1) Mental health services as defined in Section 42-716.2

(2) Substance abuse services as defined in Section 42-716.3

(3) Domestic abuse services as defined in Section 42-713.221

(4) Assessment pursuant to Section 42-711.55

.317 Providing child care to a community service program participant

.32 Non-core activities for CalWORKs federal standards

.321 Job skills training directly related to employment as defined in Section 42-716.1(l), when an individual has not achieved a high school diploma or its equivalent.

.322 Education directly related to employment as defined in Section 42-716.1(o)

.323 Satisfactory attendance in a secondary school or in a GED course as defined in Section 42-716.1(p)

.4 Deeming Core Hours for Community Service and/or Unpaid Work Experience

.41 When an individual participates in community service or unpaid work experience for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement.

.42 Individuals who are deemed to have met core hours in accordance with Section 42-709.41, must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the requirements of Section 42-709.2. Additional hours may be in core or non-core activities.

.5 Determining Whether CalWORKs Federal Standards are Met

.51 Determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-709.2

.511 Except as described in Section 42-709.512, CalWORKs federal standards are met in a month based on the scheduled hours of the participant.

.512 When verification indicates an individual has not met CalWORKs federal standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.25.

.52 Determining whether CalWORKs federal standards are met in a month for purposes of determining compliance after exhausting the Welfare-to-Work 24-Month Time Clock or whether a month does not count toward the Welfare-to-Work 24-Month Time Clock for participants whose welfare-to-work plan is designed to meet CalWORKs minimum standards.

.521 CalWORKs federal standards are met in a month by participating for the required number of hours described in Sections 42-709.2 and .4 in welfare-to-work activities described in Section 42.709.3.

.522 Monthly participation must include verification of actual hours of participation.

.53 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-709.2, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-709.3, by 4.33.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11322.6, 11322.8, 11322.85, 11325.21, and 11325.4, Welfare and Institutions Code; 42 U.S.C., Section 607(c)(1)(A), 42 U.S.C., Section 607(c)(2)(B), 42 U.S.C., Section 607(c)(1)(B), and 42 U.S.C., Section 607(c) and (d).

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS

42-711

.1 (Continued)

.11 (Continued)

.111 (Continued)

.112 (Continued)

(a) (Continued)

(b) ~~A description of the core and non-core welfare-to-work activities, the core requirement, and when the non-core activities may count toward the core requirement.~~ A general description of the Welfare-to-Work 24-Month Time Clock described in Section 42-708, including the following:

(1) Activities individuals can participate in during the 24-month period, pursuant to Section 42-716.1.

(2) Conditions that make months not count toward the 24-month period, pursuant to Section 42-708.3.

(3) Activities that individuals shall participate in after they have exhausted the 24-month period in order for adults to remain eligible for cash aid pursuant to Section 42-711.7.

(c) (Continued)

.32 (Continued)

.4 (Continued)

.41 Requirements to meet CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks, as described in Section 42-708.

.411 Adult in One-Parent Assistance Unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

- (a) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- .411 (b) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall ~~may~~ participate each month in welfare-to-work activities, described in Section 42-716.1, for a ~~an~~ average of at least minimum average per week of 32 20 hours per week during the month if one of the following conditions are met:-
- (1) There is a child under six in the assistance unit.
 - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- (a) ~~A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.~~
- .412 ~~In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)~~
- .412 Adult(s) in Two-Parent Assistance Unit, as defined in Section 42-701.2(t)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
- .421 (a) Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month in welfare-to-work activities, as defined in Section 42-716.1, for an average of at least for a minimum average per week of 35 hours per week during the month.
- (a) ~~A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.~~
- (b) (1) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent's participation is a minimum average of 20 hours per week.
- (1) ~~If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare-to-work activities.~~

(b) Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.

(1) Unless also exempt from participation, the adult recipient may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at 20 hours per week during the month if one of the following conditions are met:

(A) There is a child under six in the assistance unit.

(B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

.422 (c) (Continued)

(a) (1) (Continued)

.413 Assistance Units that Include Optional Stepparents as defined in Section 42-701.2(o)(3).

(a) An assistance unit that has no natural or adoptive parent

(1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month when there is no child under six.

(2) Unless otherwise exempt from participation, the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:

(A) There is a child under six in the assistance unit.

(B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(b) An assistance unit that has only one natural or adoptive parent

(1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month.

(2) The natural or adoptive parent or the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:

(A) There is a child under six in the assistance unit.

(B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(3) Only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement.

(4) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

(c) An assistance unit that has two natural or adoptive parents

(1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 35 hours per week during the month.

(2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.

(3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.

.42 Hours of participation for recipients who choose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks, pursuant to Section 42-708, and recipients who have exhausted their 24-month time clocks are specified in Section 42-709.2.

.43 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-711.4, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42.716.1, by 4.33.

.5 (Continued)

.544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least ~~32 hours~~ the number specified in paragraph (a) or (b), the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.31(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the ~~32-hour~~ hourly requirement.

(a) Except as provided in paragraph (b), the individual shall participate for at least an average of 30 hours per week during the month.

(b) The individual may participate for an average of at least 20 hours per week during the month if one of the following conditions are met:

(1) There is a child under six in the assistance unit.

(2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day control of that child.

.545 (Continued)

(a) (Continued)

(b) An individual participating in a SIP can voluntarily choose to end his or her SIP at any time before the program is completed. If the individual indicates an interest in ending the SIP, the county should discuss what other welfare-to-work plan options the individual may have, including whether an assessment would be necessary. When necessary, an assessment pursuant to Section 42-711.55 must be conducted prior to the individual choosing to end his or her SIP in order for the individual to make an informed decision about the activities that would replace the SIP hours in his or her welfare-to-work plan. This discussion must be documented in the individual's case file.

.546 (Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections ~~42-711.411 or 42-~~ 42-709.2 or 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment ~~and only receive necessary supportive services.~~

- (a) These individuals shall be informed that ~~if they choose to go to assessment,~~ they will be required to sign a welfare-to-work plan.
- (b) They shall also be informed that if they do not go to assessment, ~~they will only receive necessary supportive services from the CWD. the~~ welfare-to-work plan shall provide only for unsubsidized employment and necessary supportive services.
- (c) If at any time an individual who opted out of assessment does not meet his or her minimum hours of participation as assigned according to the welfare-to-work plan developed in accordance with Section 42-711.632, he or she shall be referred to assessment.

.553 (Continued)

.557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum ~~32 participation hours per week,~~ hourly participation requirement as specified in Section 42-711.5441.

.558 (Continued)

.58 (Continued)

.581 (Continued)

- (a) Any of the welfare-to-work activities described in Section 42-716.31 including referrals to the participant's previous activities.
- (b) (Continued)
- (c) (Continued)
- (d) ~~Assessment or reappraisal~~ in accordance with Sections 42-711.55 and .7, ~~respectively.~~
- (e) (Continued)

.62 (Continued)

.621 (Continued)

- (a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

.622 (Continued)

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.624 (Continued)

.625 (Continued)

~~.626 Example 3: An individual's 90-day period in which the county must develop his welfare-to-work plan begins the date he is eligible for aid. Thirty days into the 90-day period, and prior to assessment, the individual finds a job and begins participating for a sufficient number of hours of unsubsidized employment to meet the work participation requirement and is not required to sign a welfare-to-work plan. Six months later the individual loses his job, through no fault of his own, and is required to sign a plan. The county has 90 days to develop, and have the individual sign, a welfare-to-work plan, pursuant to Section 42-711.623(c) or (d), depending on the date the county learns of the individual's job loss.~~

~~.627 Example 4: An individual has been receiving aid for two years. Prior to assessment she was participating in sufficient hours of unsubsidized employment to meet her work participation requirement and not required to sign a welfare-to-work plan. During the county's monthly monitoring of the individual's participation, on June 8, the county discovered that she lost her job on May 27. Because the county learned of the individual's job loss within 30 days of occurrence, the county has up to 90 days from June 8, to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).~~

~~.628 Example 5: Identical circumstances as in Example 4, except that the individual lost her job on April 27. Because the county learned of the individual's job loss after the 30-day period, the county has up to 90 days from May 27 to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).~~

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.63 A participant shall take part in one or more welfare-to-work activities, in accordance with the requirements for the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708, or for CalWORKs federal standards as described in Section 42-709, for the required minimum hours as specified in Sections 42-716.2 42-709.2 or 42-711.4, and as provided in the welfare-to-work plan.

.631 In developing a welfare-to-work plan, the CWD shall discuss all of the following with the participant:

- (a) The participation flexibility during the Welfare-to-Work 24-Month Time Clock period and the scope of activities that he or she may participate in including his or her ability to meet CalWORKs federal standards.
- (b) The conditions that allow a month not to count toward the Welfare-to-Work 24-Month Time Clock, including but not limited to, meeting CalWORKs federal standards in accordance with Section 42-709.5.
- (c) The welfare-to-work participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock pursuant to Section 42-711.7.

.632 In consultation with the participant, the CWD shall, consistent with the assessment conducted in Section 42-711.55, develop a welfare-to-work plan that is intended to meet either CalWORKs federal standards or to utilize the full range of activities available in accordance with the Welfare-to-Work 24-Month Time Clock.

.633 In determining the activities to be included in a welfare-to-work plan that utilizes the Welfare-to-Work 24-Month Time Clock or a plan intended to meet CalWORKs federal standards, all of the following shall be considered:

- (a) The participant's need for barrier removal activities or other welfare-to-work activities that may not meet CalWORKs federal standards.
- (b) The extent to which educational activities may be countable under CalWORKs federal standards.
- (c) The circumstances and career goals of the participant.

.634 A welfare-to-work plan developed to utilize the Welfare-to-Work 24-Month Time Clock shall be consistent with the assessment conducted in Section 42-711.55, and designed to remove particular barriers to employment or to meet the career goals of the participant in achieving self-sufficiency.

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.635

Example 1: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a seven year old child and she has significant barriers to employment. In the assessment it is noted that she may have a learning disability, she has a substance abuse problem, and she does not have a high school diploma. She meets with her caseworker after a learning disability evaluation has been completed and her welfare-to-work plan is written, consistent with her assessment and learning disability evaluation taking full advantage of her Welfare-to-Work 24-Month Time Clock by having hours assigned for substance abuse services, adult basic education, and sufficient study time to accommodate her learning disability.

Example 2: An individual completes an assessment that states he is required to participate in the welfare-to-work program. He is in a one-parent assistance unit with a four year old child and has sufficient job skills and education. The assessment also states that he has suffered from mental health issues in the past. The CWD refers him to and he receives a mental health evaluation from the county mental health department. The participant meets with his caseworker shortly after the completion of the assessment and mental health evaluation. After discussing the results and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards, the participant expresses an interest in participating in mental health services as his sole activity for 20 hours per week. However, the mental health evaluation recommended that while he is stable at the time, he would benefit from bi-monthly counseling sessions. The CWD explains that while 20 hours a week of mental health services is not consistent with his assessment and mental health evaluation, the bi-monthly counseling sessions should be included in his welfare-to-work plan and works with him to find other activities to participate in that are consistent with his assessment.

Example 3: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a two year old child and has limited job skills, a high school diploma, one year of college, and no noted barriers. She is currently working 20 hours per week as a waitress. She meets with her caseworker shortly after the completion of the assessment and they discuss the results of her assessment and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards. She tells her caseworker that she would like to stop working and go to the Radiologic Technology Program at the local community college to get a higher paying job. Even though she has not participated in a vocational education program while on cash aid, she tells her worker that she does not want a welfare-to-work plan designed to meet CalWORKs federal standards, as she wants to preserve her federal 12-month limit on vocational education. The caseworker explains to her that if she wants to attend the vocation education program full-time, she will be meeting CalWORKs federal standards and, therefore, must have a plan designed to meet CalWORKs federal standards. Her caseworker also explains that while she is meeting CalWORKs federal standards, those months will not count toward her Welfare-to-Work 24-Month Time Clock, so she will be preserving those months for full-time education when she exhausts her 12-month limit on vocational education under CalWORKs federal standards. She signs a welfare-to-work plan designed to meet CalWORKs federal standards.

Example 4: An individual completes an assessment that states that he is required to participate in the Welfare-to-Work Program. He is in a one-parent assistance unit with a seven year old child. The assessment notes that he could benefit from some job skills training, but does not have any barrier due to lacking basic literacy. The participant is currently working 20 hours a week as a cashier in a convenience store, but his career goal is to become a plumber. To reach his career goal, the participant wants to return to a plumbing program at a local community college for 20 hours a week, including appropriate homework time, and reduce his work hours to 10 hours per week. Since his requested activities are consistent with his assessment, he and his caseworker agree to a 20-hour per week plumbing job skills training program and 10 hours per week of unsubsidized employment. Because he has already used his 12-month lifetime limit for participating in a vocational education program, the caseworker also explained that his plan is designed to utilize his Welfare-to-Work 24-Month Time Clock, but that if he chooses at any time to work at least 20 hours a week and participate in job skills for at least 10 hours a week he would be meeting CalWORKs federal standards and months would not count towards his Welfare-to-Work 24-Month Time Clock.

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.64 (Continued)

.642 (Continued)

- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.411 or .421, and as ~~non-core hours as allowed under Section 42-716.22.~~
- (b) The plan shall outline how hours of participation in ~~core and/or non-core~~ welfare-to-work activities satisfy the participation requirements pursuant to ~~Section 42-716.2.~~ Sections 42-709.2, 42-711.4 or 42-711.7.
- (c) A participant in a welfare-to-work plan intended to meet CalWORKs federal standards shall meet those standards in accordance with the procedures specified in Section 42-709. In the case where a participant has not exhausted the Welfare-to-Work 24-Month Time Clock and is no longer meeting CalWORKs federal standards in accordance with those provisions, a new welfare-to-work plan designed to meet CalWORKs minimum standards shall be developed for the participant in accordance with this section.

.643 (Continued)

.644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.31(k).

.645 (Continued)

.7 Reappraisal-Post Welfare-to-Work 24-Month Time Clock Participation Requirements

- .71 ~~The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area. After an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock described in Section 42-708, unless otherwise exempt, or having received an extension to the 24-month time clock, the individual must meet CalWORKs federal standards in accordance with Section 42-709 for the individual to continue receiving cash aid.~~

~~.711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the appraisal. Except as provided in Section 42-711.72, an individual who fails to meet CalWORKs federal standards is subject to the noncompliance provisions pursuant to Section 42-721.~~

~~.712 If extenuating circumstances do not exist, and until the CWD reverses this determination, the participant must participate in activities that are limited to the following: The term "removed from cash aid" instead of "sanctioned" shall be used when referring to an individual who is in the noncompliance process described in Section 42-721.~~

~~(a) Unsubsidized employment.~~

~~(b) Work experience as defined in Section 42-701.2(w)(3).~~

~~(c) Self-employment.~~

~~(d) Job skills training directly related to employment.~~

~~(e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.4, 42-716.5, and 42-716.31(e), respectively.~~

.72 In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards.

.8 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), and (b) and (c), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, and 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i), and (d).

Amend Section 42-712 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712

.1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Sections 42-712.11, .12, ~~or~~.13 or .14:

.11 (Continued)

.12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42412.

.13 (Continued)

.14 A parent in an assistance unit that includes an optional stepparent, as defined in Section 42-701.1(o)(3), who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours described in Sections 42-711.413 (b) or (c), respectively.

.2 (Continued)

.473 (Continued)

.474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

.475 The parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. This paragraph is effective January 1, 2013.

(a) An individual shall be eligible for the exemption in Section 42-712.475 only one time under the CalWORKs Program.

.48 (Continued)

- .63 (Continued)
- .64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.
- .65 (Continued)
- .66 Being primarily responsible for personally providing care to one child from birth to 23 months, inclusive, as described in Section 42-712.475.
- ~~.7 Renumbered to Section 42-712.6 by Manual Letter No. EAS-06-01, effective 4/3/06. For an individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.64, any month prior to the month in which the CWD reengaged the individual in the welfare-to-work program pursuant to Section 42-712.8 shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302.~~
- .8 Reengagement
- .81 An individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.474 is not required to participate in welfare-to-work activities until the CWD reengages him or her in the Welfare-to-Work Program.
- .82 An individual is reengaged in welfare-to-work activities the first of the month following the date he or she signs a welfare-to-work plan pursuant to Section 42-711.63 and is provided supportive services, pursuant to Section 42-750.1.
- .83 CWDs shall reengage all individuals whose exemptions ended on January 1, 2013, pursuant to Section 42-712.474 by January 1, 2015, unless the individual is eligible for another exemption.

Authority Cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11320.3(g)(2), and (h)(1), (h)(2) and (h)(3), 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 42-714 to read:

42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS

42-714

(Continued)

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(Continued)

.3 (Continued)

- (a) (Continued)
- (b) Subsidized ~~private-sector~~ employment that is performed in the private sector;
- (c) Subsidized ~~public-sector~~ employment that is performed in the public sector;
- (d) (Continued)

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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more any of the following welfare-to-work activities pursuant to Section 42-716.31, as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.
- .11 ~~Individuals may participate in activities pursuant to Section 42-716.2 for up to the 48-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7.~~
- .2 ~~Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, individuals who have been granted domestic abuse waivers in accordance with Section 42-715.5, individuals receiving family reunification services in accordance with Section 42-711.61, or 19-year-old custodial parents without a high school diploma in accordance with Section 42-711.31, to fulfill participation requirements:~~
 - .21 ~~An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).~~
 - .211 ~~Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 48-month time limit on aid.~~
 - (a) ~~This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.~~
 - (1) ~~A month in which an individual participates in at least an average of 20 hours of core activities per week as described in Sections 42-716.31(a) through (j), and (n), shall not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.~~
- .22 ~~The remaining hours, up to 12 hours for an adult in a one-parent assistance unit pursuant to Section 42-711.411, or up to 15 hours for an adult in a two-parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the~~

welfare-to-work activities described in Section 42-716.31.

~~.23 Hours spent in specified non-core activities [mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.31(k), (l), (o), and/or (p) respectively] in excess of those that can be accomplished within the non-core hours shall count as core hours if:~~

~~.231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and~~

~~.232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs meet the criteria listed below:~~

~~(a) The program leads to a self-supporting job.~~

~~(b) The individual is making satisfactory progress.~~

~~(c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.~~

~~(d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).~~

~~(1) If the program is not on the county approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.~~

~~.24 Additional conditions on counting hours spent in non-core activities as core hours.~~

~~.241 Non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance, as specified in Sections 42-716.31(r) and (s), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23 as core hours.~~

- ~~.242 Hours spent in vocational education and training, as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours as described in 42-716.23 as core hours.~~

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- ~~.25 Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria. She must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment (8 and 10 hours, respectively) are necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are counted toward her core requirement. The individual must then participate for 14 hours in a core activity to fulfill her 32-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	14			14
Substance Abuse		6	2	8
Mental Health			10	10
Total Hours of Participation				32

- ~~Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of his 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are counted toward his core requirement. He must then participate for 15 hours in a core activity to fulfill his 35-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	15			15
Job Skills Training		5	15	20
Total Hours of Participation				35

Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) to obtain a self-supporting job as a draftsman. Eight hours of substance abuse treatment is also necessary for the individual to participate in her core activity. Because only 12 of the necessary 28 hours of educational activities and substance abuse treatment can be accomplished as non-core participation hours, the remaining 16 hours in these activities are counted toward her core requirement. She must then participate for four hours in another core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	4			4
Job Skills Training		16	4	20
Substance Abuse Treatment			8	8
Total Hours of Participation				32

Example 4: A non-exempt individual needs 32 hours of short-term substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be accomplished as non-core participation hours, 20 hours of the substance abuse treatment are counted as a core activity. The individual, therefore, is fully meeting his 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Total Hours of Participation
Substance Abuse		20	12	32

Example 5: An adult in a one-parent AU does not meet welfare-to-work exemption criteria and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of her 32-hour participation requirement must be spent in either core or non-core activities. She needs eight hours of substance abuse treatment services in order to participate in core activities. The individual is currently in her 12th month in a vocational education program which she attends for 24 hours per week. Since participation in a post 12-month vocational education program cannot be counted as a core activity, the individual's welfare-to-work plan is amended to include 20 hours of work experience, which is consistent with her assessment and continues moving her toward self-sufficiency, to meet her core requirement. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the post 12-month vocational education program as a non-core activity to satisfy the 32-hour welfare-to-work requirement. If the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour participation requirement must be on a voluntary basis.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work Experience	20			20
Vocational Education (after counting as core for 12 months), the additional 20 hours must be on a voluntary basis.			4	4
Substance Abuse			8	8
Total Hours of Participation				32

Example 6: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of education directly related to employment. The family also needs four hours per week of family maintenance activities. Because only 11 of the necessary 20 hours of education directly related to employment can be accomplished as non-core participation hours, the remaining nine hours in this activity are counted toward her core requirement. She must then participate for 11 hours in a core activity to fulfill her 35-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	11			11
Education Directly Related to Employment		9	11	20
Family Maintenance			4	4
Total Hours of Participation				35

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~~.26 For purposes of complying with the requirements in Section 42-716.232, study time hours shall be treated in the following manner:~~

~~.261 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.~~

~~.262 At the county's option, and when specified in the county's CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.~~

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~~263~~ Example: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 16 hours of classroom, laboratory, or internship activities of which four hours is credited study time, in an "education directly related to employment" certificate program (that meets all specified criteria) to obtain a self-supporting job as an accounting technician. Because study time is credited and counts toward the certificate program, it is considered education directly related to employment. Since only 12 of the necessary 16 hours of educational activities can be accomplished as non-core participation hours, the remaining four hours are counted toward her core requirement. She is also participating in 16 hours of work study, which is a core activity, to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work study	16			16
Education Directly Related to Employment		4	12	16
Total Hours of Participation				32

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~~3~~ The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.

~~31~~ Welfare-to-work activities may include, but are not limited to, any of the following:

- (a) Unsubsidized employment, as defined in Section 42-701.2(u)(2).
- (b) Subsidized private-sector employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.
- (c) Subsidized public-sector employment, as defined in Section 42-701.2(s)(2) that is performed in the public sector.
- (d) (Continued)

(3) The monthly limit in Sections 42-716.31(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

- (e) On-the-job training (OJT), as defined in Section 42-701.2(o)(2).
- (f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.75.
- (g) Supported work or transitional employment, as defined in Section 42-701.2(s)(3)(4), and pursuant to Section 42-716.75, except that only the grant or the grant savings can be diverted to the employer.
- (h) Work study, as defined in Section 42-701.2(w)(5).
- (i) Self-employment, as defined in Section 42-701.2(s)(1).
- (j) Community service as defined in Section 42-701.2(c)(3)(5).

(1) (Continued)

(A) (Continued)

(2) (Continued)

(A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

(B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.

(3) The monthly limit in Sections 42-716.31(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

(4) (Continued)

(k) (Continued)

(1) (Continued)

(l) Job skills training directly related to employment, as defined in Section 42-701.2(j)(2).

(m) (Continued)

(s) (Continued)

~~32.11~~ Assignment to an educational activity identified under Sections 42-716.31(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

~~33.12~~ Every CWD shall provide an adequate range of the activities described in Section 42-716.31 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

~~4.2~~ (Continued)

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~~41.21~~ (Continued)

~~411.211~~ (Continued)

~~412.212~~ (Continue)

~~413.213~~ (Continued)

~~414.214~~ (Continued)

~~415.215~~ (Continued)

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5.3 (Continued)

51.31 (Continued)

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515.315 (Continued)

(a) (Continued)

52.32 (Continued)

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6.4 (Continued)

61.41 The employer or sponsor of an employment or training position specified in Section 42-716.31 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

62.42 (Continued)

63.43 (Continued)

7.5 (Continued)

71.51 (Continued)

711.511 (Continued)

712.512 (Continued)

713.513 (Continued)

714.514 (Continued)

715.515 (Continued)

~~.716.516~~ An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.~~7542~~.

~~.72.52~~ (Continued)

~~.73.53~~ (Continued)

~~.731.531~~ (Continued)

~~.732.532~~ (Continued)

~~.733.533~~ Nothing in this Section 42-716.~~753~~ shall preclude an employer from using its own funds to pay a portion of the participant's wages.

~~.74.54~~ (Continued)

(SAR).~~741.541~~ (Continued)

~~.742.542~~ (Continued)

(a) (Continued)

(1) (Continued)

(b) (Continued)

~~.75.55~~ (Continued)

~~.76.56~~ (Continued)

~~.761.561~~ (Continued)

~~.762.562~~ (Continued)

~~.763.563~~ (Continued)

~~.764.564~~ (Continued)

~~.765.565~~ That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.~~7571~~.

~~.77.57~~ (Continued)

~~.771.571~~ (Continued)

(a) (Continued)

(b) (Continued)

.772.572 (Continued)

.78.58 (Continued)

.6 Education Activities

.61 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, may also be assigned supervised or unsupervised homework time as part of his or her welfare-to-work plan.

.611 Hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be assigned as participation in the assigned activity in the individual's welfare-to-work plan.

.612 Total homework time counted as participation must not exceed the hours required or advised by the education program.

.62 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, or participating in a Self-Initiated Program as described in Section 42-711.54, may elect to participate in distance learning for some or all of his or her classroom hours.

.621 Distance learning activities are subject to satisfactory participation standards as described in Section 42-711.8. No additional satisfactory participation standards may be required of participants in distance learning activities.

.8.7 Assembly Bill (AB) 98 Subsidized Employment

.71 AB 98 subsidized employment shall be used to place participants in subsidized private sector or subsidized public sector subsidized employment as indicated in Sections 42-716.1(b) and 42-716.1(c).

.711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:

- (a) Grant-based on-the-job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.
- (b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.
- (c) Work study as indicated in Section 42-716.1(h).

~~.81.72~~ (Continued)

~~.811.721~~ (Continued)

(a) (Continued)

~~.812.722~~ (Continued)

(a) (Continued)

~~.813.723~~ (Continued)

(a) (Continued)

~~.82.73~~ (Continued)

~~.821.731~~ (Continued)

(a) (Continued)

~~.83.74~~ (Continued)

~~.831.741~~ (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000, and August 3, 2000.

Amend Section 42-720 to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES

42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.31(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

.11 (Continued)

.3 (Continued)

.31 (Continued)

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.31 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS

42-721

per agency
request

.1 (Continued)

.3 (Continued)

.31 (Continued)

.313 (Continued)

(a) (Continued)

(b) (Continued)

(c) An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(35), and in accordance with Section 42-716.31(j)(2).

.314 (Continued)

.4 (Continued)

.42 ~~The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate. in the following circumstances:~~

.421 To an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

.422 Except as specified in paragraph (a), an individual who chooses to include more participation hours in his or her welfare-to-work plan than is required pursuant to Section 42-711.4, shall not be subject to a sanction if the number of hours he or she completes in a week is at least the number of hours required in Section 42-711.4.

- (a) Section 42-721.422 does not apply to individuals who fail to continue employment, or continue employment at the same level of earnings, pursuant to Sections 42-721.222 and .223 respectively without good cause.

HANDBOOK BEGINS HERE

Example A:

Jennifer is the mother of a four year old son and lives with her husband, John, who is unaided due to his citizenship status. Jennifer is only required to participate for 20 hours each week to meet the minimum welfare-to-work participation hours as she has months remaining on her Welfare-to-Work 24-Month Time Clock. However, Jennifer wants to meet CalWORKs federal standards so that months are not counted toward her Welfare-to-Work 24-Month Time Clock. Therefore, Jennifer's welfare-to-work plan includes 20 hours of employment and 10 hours of job skills training directly related to employment.

In the week of April 14, Jennifer does not attend her job skills training directly related to employment activity, but she completes her employment hours. In this situation, Jennifer is not subject to a noncompliance process, regardless of the reason she did not attend her job skills training activity, because she met the minimum number of hours (20) that she is required to participate.

Example B:

Robert is the father in a one-parent assistance unit made up of three children ages 8, 10 and 11 years old. Robert's welfare-to-work plan states he needs to work an average at least 30 hours per week, which he consistently performs in an unsubsidized employment job and he has months remaining on his Welfare-to-Work 24-Month Time Clock.

In the week of April 13th, Robert voluntarily decreases his hours worked to 25 hours per week without developing a new welfare-to-work plan and as a result is noncompliant and if he does not increase his number of hours worked to the amount required by his welfare-to-work plan, he will be subject to sanction.

HANDBOOK ENDS HERE

.43 (Continued)

.45 (Continued)

.453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household ~~and the care of a child under six months of age (or age determined by the CWD) do not apply.~~ pursuant to Section 42-712.46, or the care of a young child pursuant to Section 42-712.47 do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.

.454 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.3, 11320.31, 11322.85, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Amend Section 42-722 to read:

per agency
request

42-722 LEARNING DISABILITIES PROTOCOLS AND STANDARDS

42-722

~~.1~~ (continued)
.6 (Continued)

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.414 or ~~.421~~.

.7 (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10850, 11320.3(f), 11322.8, 11322.85, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

Amend Section 42-802 to read:

**42-802 JOB, TRAINING, AND EDUCATION FOR RCA
 WELFARE-TO-WORK PARTICIPANTS**

42-802

.1 (Continued)

per agency
request .2 Work experience as described in Section 42-716.31(d).

.21 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Senate Bill 1041
(Chapter 47, Statutes of 2012).

Reference: Sections 11320, ~~and~~ 11321.6(b) and (d), 11322.6 and 11322.85, Welfare and
Institutions Code; and 45 CFR 400.203.

Amend Section 42-1009 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS

42-1009

.1 (Continued)

.11 (Continued)

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.~~3211~~.

.113 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 11322.6, 11322.85 and 13280, Welfare and Institutions Code.

Amend Section 42-1010 to read:

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS

42-1010

.1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.31:

.11 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 11322.6, 11322.7 and 11322.85, Welfare and Institutions Code.

Amend Section 44-111 to read:

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME**

per agency
request

.1 (Continued)
.2 (Continued)

.23 (Continued)

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.31(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

.24 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42 and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6, 11322.6(f)(3), 11322.85, 11157, 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order).

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0707-02	REGULATORY ACTION NUMBER 2014-1209-02C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

In the office of the Secretary of State of the State of California

FILED

JAN 23 2015

At 1:35 O'Clock P M.

By *[Signature]*
Deputy Secretary of State

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (If any)

ORD #0414-04

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 292	PUBLICATION DATE 7/18/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Foster Family Agency Rates		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0620-02EF	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) MPP		AMEND Section 11-403	
		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ File & Print ☐ Print Only			
☐ Emergency (Gov. Code, §11346.1(b)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☒ Effective on filing with Secretary of State ☐ §100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify) _____			
7. CONTACT PERSON Everardo Vaca, Analyst, Office of Regulations		TELEPHONE NUMBER (916) 657-2363	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) everardo.vaca@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Pete Cervinka, Program Deputy Director for Benefits and Services

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 23 2015

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Amend Section 11-403 to read:

11-403 FOSTER FAMILY AGENCY RATES

11-403

(a) Rate Determination Process

(1) The Department shall set rates for each foster family agency utilized by counties which place AFDC-FC children.

(A) Treatment: The rate for a foster family agency program which provides treatment services for children who have treatment needs shall be set in accordance with Sections 11-403(a)(2) and 11-403(b)-(j). (Continued)

2. The payment to foster parents of a foster family agency shall be at least as great as the Department's schedule of foster family agency basic rates pursuant to Welfare and Institutions Code section 11463(m)(1) plus an additional increment established by the Department pursuant to Section 11-403(c)(1)(B) below in recognition of the specialized nature of the children placed in such homes.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 11463(m)(1) provides:

On and after July 1, 2012, the basic rate payment that shall be made to the certified parent pursuant to this section for care and supervision of a child who is living in a certified home of a foster family agency, as defined in Section 11400, shall equal the basic rate for children based in a licensed or approved home, as specified in paragraph (1) of subdivision (g) of Section 11461.

HANDBOOK ENDS HERE

(B) Non-Treatment: The rate for a foster family agency program which does not provide treatment services shall be the basic rates as specified in Welfare and Institutions Code section 11461(g)(1) for foster family homes.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 11461(g)(1) provides:

Notwithstanding subdivisions (a) to (d), inclusive, for a child, or on and after January 1, 2012, a nonminor dependent, placed in a licensed or approved family home with a capacity of six or less, or placed in an approved home of a relative or the approved home of a nonrelative extended family member as

described in Section 362.7, or placed on and after January 1, 2012, in a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rate in the following schedule shall be in effect for the period commencing July 1, 2011, or the date specified in the final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association v. William Lightbourne, et al. (U.S. Dist. Ct. C 07-08056 WHA), whichever is earlier, through June 30, 2012.

HANDBOOK ENDS HERE

1. A specialized care rate as defined in Section 11-400s.(7) may be paid for a child placed in a certified family home of a foster family agency program as described in (B) above when the following conditions are met:
 - (i) The placing agency has determined that the child has care needs greater than those of a normal foster child; and
 - (ii) The placing county has a specialized care system as specified in Section 11-401.3.
2. When a child is placed in a certified home in a county that is different from the county with payment responsibility, the county with payment responsibility shall pay the specialized care rate as specified in Section 11-401.42.

(2) (Continued)

(b) Allowable Costs

- (1) Reported costs shall be actual allowable and reasonable as defined in federal statutes and regulations including 2 CFR Part 200 (formerly referred to as 2 CFR Part 230), 45 CFR Part 74, 45 CFR Part 1356, and Sections 11-402.8 and 11-404. (Continued)

(c) Rate Calculation

- (1) The foster family agency rate per month per child shall consist of the sum of components (A) through (E) below as established in Welfare and Institutions Code section 11463(n):

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 11463(n) provides:

"Notwithstanding any other law, the changes to the basic rate payment specified in subdivision (m) shall not change the remaining components of the foster family agency rate. The new foster family agency rate shall be increased only by the amounts specified pursuant to subdivision (m). The resulting amounts shall constitute the new schedule of rates for foster family agencies, which shall be issued by all-county letters or similar instructions from the department."

HANDBOOK ENDS HERE

- (A) The foster family agency child basic rate shall be the rate, which varies according to the age of the child, as specified in Welfare and Institutions Code section 11461(g)(1).
- (B) An additional ~~standard increment, amount,~~ as established ~~by the Department in~~ Welfare and Institutions Code section 11463(n), for each child in recognition of the specialized nature of the children.
- (C) An additional ~~standard~~ amount, as established ~~by the Department in~~ Welfare and Institutions Code section 11463(n), for social work services, or the actual allowable amount for the most recent program fiscal year reported by the provider, whichever is less;
- (D) An additional standard amount for recruitment, training, and administration as established ~~by the Department in~~ Welfare and Institutions Code section 11463(n).
- (E) An annual cost of living adjustment shall be applied to the child basic rate component of the foster family agency rate identified in (A) in accordance with Welfare and Institutions Code section 11463(m)(2).

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 11463(m)(2) provides:

"The basic rate payment to the certified parent made pursuant to paragraph (1) shall be adjusted annually on July 1, by the annual percentage change in the California Necessities Index, in accordance with paragraph (2) of subdivision (g) of Section 11461. The adjustment in this paragraph shall be in lieu of any adjustment pursuant to subdivision (e)."

HANDBOOK ENDS HERE

- (F) The department shall publish the Foster Family Agency Rates and identify the applicable annual cost of living adjustment to the child basic rate component of the foster family agency rate on the Department's website.

HANDBOOK BEGINS HERE

The department's website may be accessed at:
http://www.childsworld.ca.gov/res/pdf/FFA_RatesSchedule.pdf

HANDBOOK ENDS HERE

- (d) Rate Adjustments for Existing Foster Family Agency Rates
- (1) When, based on rate calculation provisions specified in Section 11-403(c), the newly calculated rate is higher than the existing rate, any cost-of-living increases provided in accordance with Welfare and Institutions Code section 11463 shall be applied until the difference between the existing rate and the newly calculated rate is eliminated.
- (e) On-going Foster Family Agency Rate Request Submission
- (1) Rate Request Submission (Continued)
- (B) A rate request shall be considered complete when all required forms, program statement, and other supporting documentation have been completed and submitted to the Department.
1. A complete rate request shall include: (Continued)
- e. Documentation of non-profit status, e.g., the organization's tax exempt status letter from either the Internal Revenue Service (IRS) or the California Franchise Tax Board designating the provider as tax exempt; if any changes have occurred since submission of the last tax exempt status letter. (Continued)
- g. A declaration signed by the non-profit Board of Directors that the non-profit will operate during the rate period in the public interest for scientific, education, service or charitable purposes; is not organized for profit making purposes; and uses its net proceeds to maintain, improve or expand its operations.
- (i) The provider shall immediately notify the Department if the non-profit ceases to operate on a non-profit basis.
- (ii) The provider shall immediately notify the Department whenever the non-profit becomes inactive, suspended, or otherwise is not in good standing.

h. A copy of the credentials submitted to Community Care Licensing for each social worker providing services for the program if not submitted with a previous rate request.

(C) A complete rate request shall be due according to the biennial schedule determined by the Department. The Department shall provide reasonable written notice of the scheduled biennial due date. (Continued)

(D) Exceptions to these due dates are specified in Section 11-403(f).

(2) Effective Date of Rates (Continued)

(B) Exceptions to the effective dates of rates are specified in Section 11-403(f).

(3) Rate Reestablishment

(A) A rate reestablishment is a process to reestablish a foster family agency program rate for the remainder of the scheduled rate period that could not be established in accordance with Section 11-403(e)(1)(C)1. or was terminated for failure to submit a financial audit report as specified in Section 11-405.219. A program rate shall be reestablished when the Department determines that all applicable rate request requirements have been met.

1. The effective date of the rate for a complete rate request shall be no earlier than the first day of the second month following the rate request due date.

2. A foster family agency rate that is terminated pursuant to Section 11-405.219, shall not be reestablished until the non-profit corporation submits a financial audit report in accordance with Section 11-405.21. (Continued)

(f) Deviations from the Ongoing Foster Family Agency Rate Request Process

(1) New Foster Family Agency Providers

(A) A new foster family agency provider shall be one who: (Continued)

3. Has a program that has changed its corporate identification

(B) The rate for new foster family agency providers shall be determined in accordance with Section 11-403(a)(1).

1. The rate effective date for a new provider or a new program shall be the later of the:

- a. date the Department received a complete rate request as specified in Section 11-403(e)(1)(B); or (Continued)

- (C) In order to establish a rate, new foster family agency providers shall submit to the Department a complete rate request in accordance with Section 11-403(e)(1)(B).

(2) New Foster Family Agency Programs

- (A) A new foster family agency program is one that serves a different population at a different level of service than that currently served by the foster family agency's existing program(s); and with a rate set in accordance with Section 11-403(a)(1).
- (B) Foster family agencies requesting a new program rate shall obtain and submit to the Department:
 - 1. Verification that the provisions of Section 11-403(f)(2)(A) are met;
 - 2. Verification that the need for the new program(s) is justified and
 - 3. A letter of recommendation from the host county, the primary placing county, or a regional consortium of counties that the foster family agency is needed and is able to provide services at the level of care represented.
- (g) The administrative review procedure for foster family agencies is specified in Section 11-430.
- (h) State Audit Requirements: Audit requirements for foster family agencies are specified in Section 11-405.1.
- (i) Overpayments: Overpayment requirements for foster family agencies are specified in Section 11-402.6. An overpayment shall be caused by, but is not limited to, the expenditure of AFDC-FC program funds on items not allowable as specified in paragraph (b) above.
- (j) Accounting Requirements: Accounting requirements for foster family agencies are specified in Section 11-402.84.
- (k) Good Cause for Late Foster Family Agency Rate Request (Continued)
 - (2) Within 15 calendar days of the postmarked date of a provider's request for a 30-day good cause extension, the Department shall either approve or deny the request and shall notify the provider in writing of the determination. (Continued)

- (B) Rate requests which are not submitted in accordance with Subsection (A) shall be subject to the appropriate penalty contained in Section 11-403(e)(3).
- (C) When the Department denies a good cause request, the provider shall submit a complete rate request prior to the first of the next calendar month and shall be subject to the applicable penalty provisions as specified in Section 11-403(e)(3). The effective date of the rate shall be set in accordance with Section 11-403(e)(1)(B).

Authority cited: Sections 10553, 10554, 11463, 11463(l)(2) and 11466.21(c), Welfare and Institutions Code.

Reference: Sections 11461(a), 11461(g)(1), 11463, 11463(b), (i), (l) and (m), 11466.21, 11466.22, 11466.24, 11468, and 11468.2, Welfare and Institutions Code; Public Laws 98-502 and 104-156; Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; Government Auditing Standards of the Comptroller General of the United States (Yellow Book); Department of Health and Human Services, Administration for Children and Families letters dated April 19, 2001, February 22, 2002 and May 7, 2002; 2 CFR Part 200 and 230; 45 CFR Part 74; 45 CFR Part 1356 and Internal Revenue Code Section 4958.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0210-05	REGULATORY ACTION NUMBER 205-0223-01SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2015 FEB 23 PM 12:14
OFFICE OF ADMINISTRATIVE LAW

For use by Secretary of State only

FILED

in the office of the Secretary of State of the State of California

APR - 7 2015

At 2:25 O'Clock P M.

By *[Signature]*
Deputy Secretary of StateAGENCY WITH RULEMAKING AUTHORITY
California Department of Social ServicesAGENCY FILE NUMBER (If any)
ORD # 0713-07

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 82		PUBLICATION DATE 2/21/2014	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Hospice Terminally Ill, Residential Care Facility for the Elderly		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-1002-03S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT <i>per agency request</i> §E, 04-07-15	
TITLE(S) 22		AMEND 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633	
REPEAL			
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code § 11346) ☒ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ File & Print ☐ Other (Specify) _____ ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1) January 30, 2015 to February 13, 2015			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11345.4, 11346.1(d); Cal. Code Regs., title 1, § 100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☐ Department of Finance (Form STD. 399) (SAM § 6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Sylvia Sotelo		TELEPHONE NUMBER (916) 651-2586	
		FAX NUMBER (Optional) (916) 653-7395	
		E-MAIL ADDRESS (Optional) sylvia.sotelo@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
[Signature: Fran Mueller]
TYPED NAME AND TITLE OF SIGNATORY
Fran Mueller, Deputy Director, Administration Division

DATE
2/20/2015

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 07 2015

Office of Administrative Law

Amend Section 87102 to read:

87102 Descriptions of Forms.

87102

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).

(a) (Continued)

(d) PUB 325 (~~3/99~~ 3/12) - Your Right To Make Decisions About Medical Treatment.

(e) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.616, Health and Safety Code.

Amend Section 87455 to read:

87455 Acceptance and Retention Limitations.

87455

- (a) (Continued)
- (b) The following persons may be accepted or retained in the facility: (Continued)
 - (8) Persons who have been diagnosed as terminally ill and who have obtained the services of hospice, certified in accordance with federal medicare conditions of participation and licensure, provided the licensee has obtained a facility hospice care waiver in accordance with the provisions of Section 87632, Hospice Care Waiver, and hospice care is being provided in accordance with the provisions of Section 87633, Hospice Care for Terminally Ill Residents.
- (c) (Continued)
- (d) (Continued)

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.73(a) provides in relevant part:

- "(a) Notwithstanding Section 1569.72 or any other provision of law, a residential care facility for the elderly may obtain a waiver from the department for the purpose of allowing a resident who has been diagnosed as terminally ill by his or her physician and surgeon to remain in the facility, or allowing a person who has been diagnosed as terminally ill by his or her physician and surgeon to become a resident of the facility if that person is already receiving hospice services and would continue to receive hospice services without disruption if he or she became a resident, when all of the following conditions are met:
- (1) The facility agrees to retain the terminally ill resident, or accept as a resident the terminally ill person, and to seek a waiver on behalf of the individual, provided the individual has requested the waiver and is capable of deciding to obtain hospice services.
 - (2) The terminally ill resident, or the terminally ill person to be accepted as a resident, has obtained the services of a hospice certified in accordance with federal medicare conditions of participation and licensed pursuant to Chapter 8 (commencing with Section 1725) or Chapter 8.5 (commencing with Section 1745).
 - (3) The facility, in the judgment of the department, has the ability to provide care and supervision appropriate to meet the needs of the terminally ill resident or the terminally ill person to be accepted as a resident, and is in substantial compliance with regulations governing the operation of residential care facilities for the elderly.

- (4) The hospice has agreed to design and provide for care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility.
- (5) An agreement has been executed between the facility and the hospice regarding the care plan for the terminally ill resident or terminally ill person to be accepted as a resident. The care plan shall designate the primary caregiver, identify other caregivers, and outline the tasks the facility is responsible for performing and the approximate frequency with which they shall be performed. The care plan shall specifically limit the facility's role for care and supervision to those tasks allowed under this chapter..."

HANDBOOK ENDS HERE

Authority cited: Sections 1569.30 and 1569.698, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.699,
and 1569.72 and 1569.73, Health and Safety Code.

Amend Section 87465 to read:

87465 Incidental Medical and Dental Care Services.
(Continued)

87465

(f) (Continued)

(g) The licensee shall immediately telephone 9-1-1 if an injury or other circumstance has resulted in an imminent threat to a resident's health including, but not limited to, an apparent life-threatening medical crisis except as specified in Sections 87469(c)(2), or (c)(3), or (c)(4).

(h) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312 and 1569.73, Health and Safety Code.

Amend Section 87469 to read:

87469 ~~Advanced Health Care Directives, Requests to Forego Resuscitative Measures, and Do Not Resuscitate Forms~~
Advance Directives and Requests Regarding Resuscitative Measures.

- (a) Upon admission, a facility shall provide each resident, and representative or responsible person of each resident, with written information about the right to make decisions concerning medical care. This information shall include, but not be limited to, the ~~Department's~~ approved brochure entitled "Your Right To Make Decisions About Medical Treatment," PUB 325, (~~3/99~~ 3/12) and a copy of Sections 87469(b), ~~and (c) and (d)~~ of the regulations.
- (b) (Continued)
- (c) If a resident who has ~~a Request to Forego Resuscitative Measures, and/or an Advance Health Care Directive and/or a DNR~~ an advance directive and/or request regarding resuscitative measures form on file experiences a medical emergency, facility staff shall do one of the following:
 - (1) Immediately telephone 9-1-1, present the ~~Request to Forego Resuscitative Measures, Advance Health Care Directive and/or DNR~~ advance directive and/or request regarding resuscitative measures form to the responding emergency medical personnel and identify the resident as the person to whom the order refers.
 - (2) Immediately give the ~~Request to Forego Resuscitative Measures, and/or Advance Health Care Directive and/or DNR~~ advance directive and/or request regarding resuscitative measures form to a physician, registered nurse or licensed vocational nurse if the physician or nurse is in the resident's presence at the time of the emergency and assumes responsibility.
 - (3) Specifically for a terminally ill resident that is receiving hospice services and has completed an advance directive and/or request regarding resuscitative measures form pursuant to Health and Safety Code section 1569.73(c), and is experiencing a life-threatening emergency as displayed by symptoms of impending death that is directly related to the expected course of the resident's terminal illness, the facility may immediately notify the resident's hospice agency in lieu of calling emergency response (9-1-1). For emergencies not directly related to the expected course of the resident's terminal illness, the facility staff shall immediately telephone emergency response (9-1-1).
 - (34) Facilities that employ health care providers, other than Home Health Agencies or Hospice Agencies, may comply with Health and Safety Code Section 1569.74.
- (d) After following the procedure in Section 87469(c)(1), (2), ~~or (3), or (4)~~, facility staff shall notify the resident's hospice agency and ~~health care surrogate decision maker~~ Health

Care Surrogate Decision Maker, if applicable.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.73(c) provides in relevant part:

"(c) A facility that has obtained a hospice waiver from the department pursuant to this section need not call emergency response services at the time of a life-threatening emergency if the hospice agency is notified instead and all of the following conditions are met:

- (1) The resident is receiving hospice services from a licensed hospice agency.
- (2) The resident has completed an advance directive, as defined in Section 4605 of the Probate Code, requesting to forego resuscitative measures.
- (3) The facility has documented that facility staff have received training from the hospice agency on the expected course of the resident's illness and the symptoms of impending death."

Health and Safety Code section 1569.74 provides in relevant part:

"(a) Licensed residential care facilities for the elderly that employ health care providers may establish policies to honor a request to forego resuscitative measures as defined in subdivision (b) of Section 4753 4780 of the Probate Code.

(b) (Continued)

(c) Any action by a facility that has established policies pursuant to subdivision (a), to honor a resident's request to forego resuscitative measures as provided for in subdivision (a) may only be taken by a licensed health care provider who is employed by the facility and on the premises at the time of the life threatening emergency." in either of the following ways:

- (1) By a licensed health care provider who is employed by the facility and on the premises at the time of the life threatening emergency.
- (2) By notifying, under those conditions specified in subdivision (c) of Section 1569.73, the hospice agency that is caring for a resident receiving hospice services.

(d) Licensed residential care facilities for the elderly that have not established policies pursuant to subdivision (a) may keep an executed request to forego resuscitative measures form in the resident's file and present it to an emergency medical technician or paramedic when authorized to do so in writing by the resident or his or her legally recognized surrogate decisionmaker. The request may be honored by an emergency medical technician or by any health care provider as defined in Section 4621 of the Probate Code, who, in the course of professional or volunteer duties, responds to emergencies."

Probate Code section 4780 provides in relevant part:

(a) As used in this part:

- (1) "Request regarding resuscitative measures" means a written document, signed by (A) an individual with capacity, or a legally recognized health care decisionmaker, and (B) the individual's physician, that directs a health care provider regarding resuscitative measures. A request regarding resuscitative measures is not an advance health care directive.
- (2) "Request regarding resuscitative measures" includes one, or both of, the following:
 - (A) A prehospital "do not resuscitate" form as developed by the Emergency Medical Services Authority or other substantially similar form.
 - (B) A Physician Orders for Life Sustaining Treatment form, as approved by the Emergency Medical Services Authority.
- (3) "Physician Orders for Life Sustaining Treatment form" means a request regarding resuscitative measures that directs a health care provider regarding resuscitative and life-sustaining measures.

HANDBOOK ENDS HERE

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.73, 1569.74, and 1569.156, Health and Safety Code; and Sections 4621 4753 and 4670 4780, Probate Code.

Amend Section 87615 to read:

87615 Prohibited Health Conditions.

87615

- (a) ~~In addition to Section 87455(e), the following p~~Persons who require health services for or have a health condition including, but not limited to, those specified below shall not be admitted or retained in a residential care facility for the elderly:
- (1) Stage 3 and 4 pressure sores (dermal ulcers).
 - (2) Gastrostomy care.
 - (3) Naso-gastric tubes.
 - (4) Staph infection or other serious infection.
 - (5) Residents who depend on others to perform all activities of daily living for them as set forth in Section 87459, Functional Capabilities.
 - (6) Tracheostomies.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312 and 1569.72, Health and Safety Code.

Amend Section 87616 to read:

87616 Exceptions for Health Conditions.

87616

(a) (Continued)

(b) (Continued)

(c) Facilities that have satisfied the requirements of Section 87632, Hospice Care Waiver, are not required to submit written exception requests under this section for residents or prospective residents with restricted health conditions under Section 87612 and/or prohibited health conditions under Section 87615 provided those residents have been diagnosed as terminally ill and are receiving hospice services in accordance with a hospice care plan as required under Section 87633, Hospice Care for Terminally Ill Residents, and the treatment of such restricted and/or prohibited health conditions is specifically addressed in the hospice care plan.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.73(a) provides in relevant part:

- "(a)(2) The terminally ill resident, or the terminally ill person to be accepted as a resident, has obtained the services of a hospice certified in accordance with federal medicare conditions of participation and licensed pursuant to Chapter 8 (commencing with Section 1725) or Chapter 8.5 (commencing with Section 1745).
- (3) The facility, in the judgment of the department, has the ability to provide care and supervision appropriate to meet the needs of the terminally ill resident or the terminally ill person to be accepted as a resident, and is in substantial compliance with regulations governing the operation of residential care facilities for the elderly.
- (4) The hospice has agreed to design and provide for care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility.
- (5) An agreement has been executed between the facility and the hospice regarding the care plan for the terminally ill resident or terminally ill person to be accepted as a resident. The care plan shall designate the primary caregiver, identify other caregivers, and outline the tasks the facility is responsible for performing and the approximate frequency with which they shall be performed. The care plan shall specifically limit the facility's role for care and supervision to those tasks allowed under this chapter."

HANDBOOK ENDS HERE

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1250, 1569.2(a), (e) and (j), 1569.31, and 1569.312, 1569.72(a) and (a)(1) and 1569.73, Health and Safety Code.

Amend Section 87632 to read:

87632 Hospice Care Waiver.

87632

- (a) In order to accept or retain terminally ill residents and permit ~~then~~ them to receive care from a hospice agency, the licensee shall have obtained a facility hospice care waiver from the Department. To obtain this waiver the licensee shall submit a written request for a waiver to the Department on behalf of any ~~future residents who may request retention, and any future residents who may request acceptance, along with the provision of and~~ hospice services in the facility. The request shall include, ~~but~~ but not be limited to the following:
- (1) (Continued)
 - (2) (Continued)
 - (3) (Continued)
 - ~~(4) A written statement from the licensee that hospice services will only be provided to individuals who are residents of the facility, prior to the initiation of hospice services.~~
 - (4) A statement by the licensee that an agreement with the hospice agency will be entered into regarding the care plan for the terminally ill resident to be accepted and/or retained in the facility. The agreement with hospice shall design and provide for the care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the licensee.
- (b) (Continued)
- (c) (Continued)
- (d) If the Department grants a hospice care waiver it shall stipulate terms and conditions of the waiver as necessary to ensure the well-being of terminally ill residents and of all other facility residents, which shall include, but not be limited to, the following requirements:
- (1) A written request shall be signed by each terminally ill resident or prospective resident upon admission, or by the resident's or prospective resident's health care surrogate decision maker to allow for his or her acceptance or retention in the facility while receiving hospice services.
 - (A) (continued)
 - (2) The licensee shall notify the Department in writing within five working days of the initiation of hospice care services ~~in the facility~~ for any terminally ill resident ~~in the facility or within five working days of admitting a resident already receiving hospice care services~~. The notice shall include the resident's name and date of admission to the facility and the name and address of the hospice.

- (e) Within 30 days of receipt of an acceptable request for a hospice care waiver, the ~~D~~department shall notify the applicant or licensee, in writing of one of the following:
- (1) The request ~~with substantiating evidence~~ has been received and accepted for ~~consideration~~ approved or denied.
 - (2) (Continued)
 - (A) (Continued)
 - (3) ~~Within 30 days of receipt of an acceptable request for a waiver, the licensing agency shall notify the applicant or licensee, in writing, whether the request has been approved or denied.~~

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.73 provided in relevant part:

- "(a)(2) The terminally ill resident, or the terminally ill person to be accepted as a resident, has obtained the services of a hospice certified in accordance with federal medicare conditions of participation and licensed pursuant to Chapter 8 (commencing with Section 1725) or Chapter 8.5 (commencing with Section 1745).
- (3) The facility, in the judgment of the department, has the ability to provide care and supervision appropriate to meet the needs of the terminally ill resident or the terminally ill person to be accepted as a resident, and is in substantial compliance with regulations governing the operation of residential care facilities for the elderly.
 - (4) The hospice has agreed to design and provide for care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility.
 - (5) An agreement has been executed between the facility and the hospice regarding the care plan for the terminally ill resident or terminally ill person to be accepted as a resident. The care plan shall designate the primary caregiver, identify other caregivers, and outline the tasks the facility is responsible for performing and the approximate frequency with which they shall be performed. The care plan shall specifically limit the facility's role for care and supervision to those tasks allowed under this chapter...
 - (d) Nothing in this section is intended to expand the scope of care and supervision for a residential care facility for the elderly as defined in this act, nor shall a facility be required to alter or extend its license in order to retain a terminally ill resident or allow a terminally ill person to become a resident of the facility as authorized by this section.
 - (e) Nothing in this section shall require any care or supervision to be provided by the residential care facility for the elderly beyond that which is permitted in this chapter...

- (g) The department shall not be responsible for the evaluation of medical services provided to the resident by the hospice and shall have no liability for the independent acts of the hospice..."

HANDBOOK ENDS HERE

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.10, 1569.11, 1569.15, 1569.31, 1569.312, 1569.54 and 1569.73, Health and Safety Code.

Amend Section 87633 to read:

87633 Hospice Care for Terminally Ill Residents.

87633

- (a) The licensee shall be permitted to accept or retain terminally ill residents who have been diagnosed as terminally ill by his or her physician and surgeon and who may or may not have restrictive and/or prohibited health conditions, to reside in the facility and receive hospice services from a hospice agency in the facility, if when all of the following conditions are met:
- (1) (Continued)
 - (2) (Continued)
 - (3) Hospice agency services are contracted for by each terminally ill resident or prospective resident individually, or the resident's or prospective resident's Health Care Surrogate Decision Maker if the resident or prospective resident is incapacitated, not by the licensee on behalf of a resident or prospective resident. These hospice agency services must be provided by a hospice agency both licensed by the state and certified by the federal Medicare program.
 - (4) A written hospice care plan which specifies the care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility is developed for each terminally ill resident or prospective resident by that resident's hospice agency and agreed to by the licensee and the resident, or prospective resident, or the resident's or prospective resident's Health Care Surrogate Decision Maker, if any, prior to the initiation of hospice services in the facility for that resident, and all hospice care plans are fully implemented by the licensee and by the hospice(s).
 - (5) The acceptance or retention of any terminally ill resident or prospective resident in the facility does not represent a threat to the health and safety of any facility resident, or result in a violation of the personal rights of any facility resident.
 - (6) The hospice agency and the resident or prospective resident agree to provide the licensee with all information necessary to allow the licensee to comply with all regulations and to assure that the resident's or prospective resident's needs are will be met. (Continued)
- (h) For each terminally ill resident receiving hospice services in the facility, the licensee shall maintain the following in the resident's record:
- (1) A written request for acceptance or admittance to or ~~The resident's or the resident's Health Care Surrogate Decision Maker's written request for retention and hospice services~~ in the facility while receiving hospice services, along with any ~~Advance~~

~~Health Care Directive, Request to Forego Resuscitative Measures, and/or Do Not Resuscitate Form~~ advance directive and/or request regarding resuscitative measures form executed by the resident or (in certain instances) the resident's Health Care Surrogate Decision Maker. (Continued)

- (5) A statement signed by the resident's roommate, if any, or any resident who will share a room with a person who is terminally ill to be accepted or retained as a resident, indicating his or her acknowledgment that the resident intends to receive hospice care in the facility for the remainder of the resident's life, and the roommate's voluntary agreement to grant access to the shared living space to hospice caregivers, and the resident's support network of family members, friends, clergy, and others.

(A) (Continued)

(i) (Continued)

- (j) A written health condition exception request and approval from the Department in accordance with Section 87616, is not needed for any of the restricted health conditions listed in Section 87612, Restricted Health Conditions, or for any prohibited health conditions listed in Section 87615, Prohibited Health Conditions, provided the resident or prospective resident has been diagnosed as terminally ill and is currently receiving hospice care; in compliance with Section 87633, Hospice Care for Terminally Ill Residents, and the treatment of the restricted and/or prohibited health conditions is addressed in the hospice care plan.

(1) (Continued)

(k) (Continued)

- (l) Residents receiving hospice care or prospective residents already receiving hospice care when accepted as residents who are bedridden, may reside in the facility provided the facility meets the requirements of Section 87606, Care of Bedridden Residents.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.73(h) provides in summary:

"Nothing in this section [which deals with terminally ill residents and hospice care] shall be construed to relieve a licensed residential care facility for the elderly of its responsibility to notify the appropriate fire authority of the presence of a bedridden resident in the facility as required under subdivision (f) of Section 1569.72 and to obtain and maintain a fire clearance as required under Section 1569.149."

HANDBOOK ENDS HERE

(m) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.72 and 1569.73,
Health and Safety Code.

WHAT IF I CHANGE MY MIND?

You can change or cancel your advance directive at any time as long as you can communicate your wishes. To change the person you want to make your healthcare decisions, you must sign a statement or tell the doctor in charge of your care.

WHAT HAPPENS WHEN SOMEONE ELSE MAKES DECISIONS ABOUT MY TREATMENT?

The same rules apply to anyone who makes healthcare decisions on your behalf – a healthcare agent, a surrogate whose name you gave to your doctor, or a person appointed by a court to make decisions for you. All are required to follow your **Health Care Instructions** or, if none, your general wishes about treatment, including stopping treatment. If your treatment wishes are not known, the surrogate must try to determine what is in your best interest. The people providing your healthcare must follow the decisions of your agent or surrogate unless a requested treatment would be bad medical practice or ineffective in helping you. If this causes disagreement that cannot be worked out, the provider must make a reasonable effort to find another healthcare provider to take over your treatment.



WILL I STILL BE TREATED IF I DON'T MAKE AN ADVANCE DIRECTIVE?

Absolutely. You will still get medical treatment. We just want you to know that if you become too sick to make decisions, someone else will have to make them for you. Remember that:

- A **POWER OF ATTORNEY FOR HEALTH CARE** lets you name an agent to make decisions for you. Your agent can make most medical decisions – not just

those about life sustaining treatment – when you can't speak for yourself. You can also let your agent make decisions earlier, if you wish.

- YOU CAN CREATE AN **INDIVIDUAL HEALTHCARE INSTRUCTION** by writing down your wishes about health care or by talking with your doctor and asking the doctor to record your wishes in your medical file. If you know when you would or would not want certain types of treatment, an **Instruction** provides a good way to make your wishes clear to your doctor and to anyone else who may be involved in deciding about treatment on your behalf.

- THESE TWO TYPES OF **ADVANCE HEALTHCARE DIRECTIVES** may be used together or separately.

To implement Public Law 101-508, the California Consortium on Patient Self-Determination prepared this brochure in 1991; it was revised in 2000 by the California Department of Health Services, with input from members of the consortium and other interested parties, to reflect changes in state law.

HOW CAN I GET MORE INFORMATION ABOUT MAKING AN ADVANCE DIRECTIVE?

Ask your doctor, nurse, social worker, or healthcare provider to get more information for you. You can have a lawyer write an advance directive for you, or you can complete an advance directive by filling in the blanks on a form.



PUB 325 (3/12)

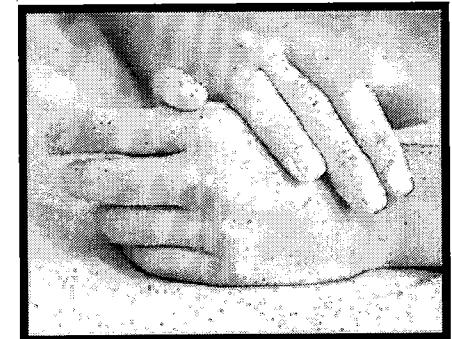
STATE OF CALIFORNIA

HEALTH AND HUMAN
SERVICES AGENCY

DEPARTMENT OF
SOCIAL SERVICES



Your Right To Make Decisions About Medical Treatment



This brochure explains your right to make healthcare decisions and how you can plan now for your medical care if you are unable to speak for yourself in the future.

A federal law requires us to give you this information. We hope this information will help increase your control over your medical treatment.

WHO DECIDES ABOUT MY TREATMENT?

Your doctors will give you information and advice about treatment. You have the right to choose. You can say "Yes" to treatments you want. You can say "No" to any treatment that you don't want – even if the treatment might keep you alive longer.



HOW DO I KNOW WHAT I WANT?

Your doctor must tell you about your medical condition and about what different treatments and pain management alternatives can do for you. Many treatments have "side effects." Your doctor must offer you information about problems that medical treatment is likely to cause you.

Often, more than one treatment might help you – and people have different ideas about which is best. Your doctor can tell you which treatments are available to you, but your doctor can't choose for you. That choice is yours to make and depends on what is important to you.

CAN OTHER PEOPLE HELP WITH MY DECISIONS?

Yes. Patients often turn to their relatives and close friends for help in making medical decisions. These people can help you think about the choices you face. You can ask the doctors and nurses to talk with your relatives and friends. They can ask the doctors and nurses questions for you.

CAN I CHOOSE A RELATIVE OR FRIEND TO MAKE HEALTHCARE DECISIONS FOR ME?

Yes. You may tell your doctor that you want someone else to make healthcare decisions for you. Ask the doctor to list that person as your healthcare "surrogate"

in your medical record. The surrogate's control over your medical decisions is effective only during treatment for your current illness or injury or, if you are in a medical facility, until you leave the facility.

WHAT IF I BECOME TOO SICK TO MAKE MY OWN HEALTHCARE DECISIONS?

If you haven't named a surrogate, your doctor will ask your closest available relative or friend to help decide what is best for you. Most of the time that works. But sometimes everyone doesn't agree about what to do. That's why it is helpful if you can say in advance what you want to happen if you can't speak for yourself.

DO I HAVE TO WAIT UNTIL I AM SICK TO EXPRESS MY WISHES ABOUT HEALTH CARE?

No. In fact, it is better to choose before you get very sick or have to go into a hospital, nursing home, or other healthcare facility. You can use an **Advance Health Care Directive** to say *who* you want to speak for you and *what* kind of treatments you want. These documents are called "advance" because you prepare one before healthcare decisions need to be made. They are called "directives" because they state who will speak on your behalf and what should be done.

In California, the part of an advance directive you can use to appoint an agent to make healthcare decisions is called a **Power of Attorney For Health Care**. The part where you can express what you want done is called an **Individual Health Care Instruction**.

WHO CAN MAKE AN ADVANCE DIRECTIVE?

You can if you are 18 years or older and are capable of making your own medical decisions. You do not need a lawyer.

WHO CAN I NAME AS MY AGENT?

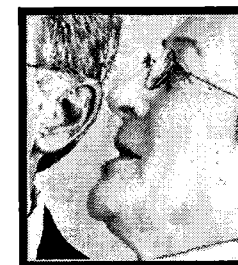
You can choose an adult relative or any other person you trust to speak for you when medical decisions must be made.

WHEN DOES MY AGENT BEGIN MAKING MY MEDICAL DECISIONS?

Usually, a healthcare agent will make decisions only after you lose the ability to make them yourself. But, if you wish, you can state in the **Power of Attorney for Health Care** that you want the agent to begin making decisions immediately.

HOW DOES MY AGENT KNOW WHAT I WOULD WANT?

After you choose your agent, talk to that person about what you want. Sometimes treatment decisions are hard to make, and it truly helps if your agent knows what you want. You can also write your wishes down in your advance directive.



WHAT IF I DON'T WANT TO NAME AN AGENT?

You can still write out your wishes in your advance directive, without naming an agent. You can say that you want to have your life continued as long as possible. Or you can say that you would not want treatment to continue your life. Also, you can express your wishes about the use of pain relief or any other type of medical treatment.

Even if you have not filled out a written **Individual Health Care Instruction**, you can discuss your wishes with your doctor, and ask your doctor to list those wishes in your medical record. Or you can discuss your wishes with your family members or friends. But it will probably be easier to follow your wishes if you write them down.

How can I get more information about advance directives?

Ask your doctor, nurse, or social worker to get more information for you.

Your Right To Make Decisions About Medical Treatment

Repealed

JTC, 04-07-15

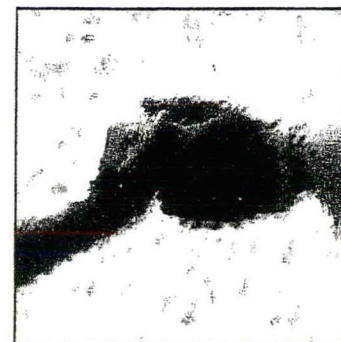
per agency
request



STATE OF CALIFORNIA
Gray Davis, Governor

HEALTH AND HUMAN
SERVICES AGENCY
Grantland Johnson, Secretary

DEPARTMENT
OF SOCIAL SERVICES



This brochure explains your rights to make health care decisions and how you can plan what should be done when you can't speak for yourself.

A federal law requires us to give you this information. We hope this information will help increase your control over your medical treatment.



Do I have to fill out one of these forms?

No, you don't have to fill out any of these forms if you don't want to. You can just talk with your doctors and ask them to write down what you've said in your medical chart. And you can talk with your family. But people will be more clear about your treatment wishes if you write them down. And your wishes are more likely to be followed if you write them down.

Will I still be treated if I don't fill out these forms?

Absolutely. You will still get medical treatment. We just want you to know that, if you become too sick to make decisions, someone else will have to make them for you. Remember that:

✓ **A DURABLE POWER OF ATTORNEY FOR HEALTH CARE** lets you name someone to make treatment decisions for you. That person can make most medical decisions—not just those about life-sustaining treatment—when you can't speak for yourself. Besides naming an agent, you can also use the form to say when you would and wouldn't want particular kinds of treatment.

✓ If you don't have someone you want to name to make decisions when you can't, you can sign a **NATURAL DEATH ACT DECLARATION**. This DECLARATION says that you do not want life prolonging treatment if you are terminally ill or permanently unconscious.

This form is called a DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

Who can fill out this form?

You can if you are 18 years or older and of sound mind. You do not need a lawyer to fill it out.

Who can I name to make medical treatment decisions when I'm unable to do so?

You can choose an adult relative or friend you trust as your "agent" to speak for you when you're too sick to make your own decisions.

How does this person know what I would want?

After you choose someone, talk to that person about what you want. You can also write down in the DURABLE POWER OF ATTORNEY FOR HEALTH CARE when you would or wouldn't want medical treatment. Talk to your doctor about what you want and give your doctor a copy of the form. Give another copy to the person named as your agent. And take a copy with you when you go into a hospital or other treatment facility.

Sometimes treatment decisions are hard to make and it truly helps your family and your doctors if they know what you want. THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE also gives them legal protection when they follow your wishes.

What if I don't have anybody to make decisions for me?

You can use another kind of advance directive to write down your wishes about treatment. This is often called a "living will" because it takes effect while you are

still alive but have become unable to speak for yourself. The California Natural Death Act lets you sign a living will called a DECLARATION. Anyone 18 years or older and of sound mind can sign one.

When you sign a DECLARATION it tells your doctors that you don't want any treatment that would only prolong your dying. All life-sustaining treatment would be stopped if you were terminally ill and your death was expected soon, or if you were permanently unconscious. You would still receive treatment to keep you comfortable, however.

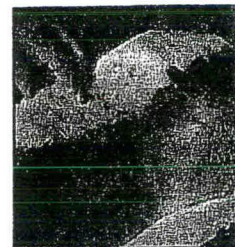
The doctors must follow your wishes about limiting treatment or turn your care over to another doctor who will. Your doctors are also legally protected when they follow your wishes.

Are there other living wills I can use?

Instead of using the DECLARATION in the Natural Death Act, you can use any of the available living will forms. You can use a DURABLE POWER OF ATTORNEY FOR HEALTH CARE form without naming an agent. Or you can just write down your wishes on a piece of paper. Your doctors and family can use what you write in deciding about your treatment. But living wills that don't meet the requirements of the Natural Death Act don't give as much legal protection for your doctors if a disagreement arises about following your wishes.

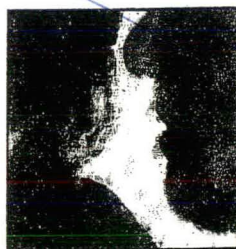
What if I change my mind?

You can change or revoke any of these documents at any time as long as you can communicate your wishes.



Repealed

per agency
request
JF, 04-01-15



Who decides about my treatment?

Your doctors will give you information and advice about treatment. You have the right to choose. You can say "Yes" to treatments you want. You can say "No" to any treatment you don't want—even if the treatment might keep you alive longer.



How do I know what I want?

Your doctor must tell you about your medical condition and about what different treatments can do for you. Many treatments have "side effects." Your doctor must offer you information about serious problems that medical treatment is likely to cause you.

Often, more than one treatment might help you—and people have different ideas about which is best. Your doctor can tell you which treatments are available to you, but your doctor can't choose for you. That choice depends on what is important to you.

What if I'm too sick to decide?

If you can't make treatment decisions, your doctor will ask your closest available relative or friend to help decide what is best for you. Most of the time, that works. But sometimes everyone doesn't agree about what to do. That's why it is helpful if you say in advance what you want to happen if you can't speak for yourself. There are several kinds of "advance directives" that you can use to say *what* you want and *who* you want to speak for you.

One kind of advance directive under California law lets you name someone to make health care decisions when you can't.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0814-01	REGULATORY ACTION NUMBER 2015-0330-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

FILED
in the office of the Secretary of State
of the State of California

MAY 12 2015
At 1:55 O'Clock P M.
By *[Signature]*
Deputy Secretary of State

AGENCY FILE NUMBER (if any)
ORD # 1113-12

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 352	PUBLICATION DATE 8/29/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Child Fatality Reporting and Disclosure		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) MPP		AMEND Section 31-502	
		REPEAL	
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b)) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify) _____ ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Sylvia Sotelo		TELEPHONE NUMBER (916) 651-2586	FAX NUMBER (Optional) (916) 653-7395
		E-MAIL ADDRESS (Optional) sylvia.sotelo@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
[Signature]
TYPED NAME AND TITLE OF SIGNATORY
Brian Dougherty, Acting Deputy Director, Administration Division

DATE
3/25/15

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 12 2015

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Amend Section 31-502 to read:

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502

- .1 When the county child welfare agency learns that a child fatality has occurred and has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency shall generate a referral within the Child Welfare Services/Case Management system, and the county shall respond to the referral as described in Section 31-101.

~~.11 If the county finds an allegation to be inconclusive or substantiated, they shall complete the reporting requirements as described in Section 31-501.~~

- .11 The county child welfare agency may "learn" of the fatality in ways that may include, but not be limited to, a formal report, emergency response referral, a cross report from a law enforcement agency or a private party. Once this information is learned the standard condition of reasonable suspicion is applied.

HANDBOOK BEGINS HERE

- ~~.111 The county may "learn" of the fatality in ways that may include, but not be limited to, a formal report, emergency response referral, a cross report from a law enforcement agency or a private party. Once this information is learned the standard condition of reasonable suspicion is applied.~~

(a)

Penal Code Section 11166(a)(1) defines "reasonable suspicion" and states in pertinent part: "reasonable suspicion" for the purposes of this section means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

HANDBOOK ENDS HERE

- .12 Within five business days of the county child welfare agency receiving a public request for information concerning a child fatality, whether written, verbal, or via e-mail or facsimile, and the county child welfare agency has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency shall release the information provided in Welfare and Institutions Code Section 10850.4(a)(1-4).

- .122 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(a)(1-4) provides:

- (1) The age and gender of the child.
- (2) The date of death.
- (3) Whether the child was in foster care or in the home of his or her parent or guardian at the time of death.
- (4) Whether an investigation is being conducted by a law enforcement agency or the county child welfare agency.

HANDBOOK ENDS HERE

- .13 A child fatality shall be the result of abuse and/or neglect if any agency pursuant to Section 31-502.14 determines that abuse and/or neglect is either the sole cause of the child fatality, or is a material contributing factor in the child fatality. For purposes of this regulation, "abuse and/or neglect" has the same definition as set forth in section 11165.6 of the Penal Code.

- .131 For the county child welfare agency to find that abuse and/or neglect was a material contributing factor in a child fatality, it is not necessary that an agency described in 31-502.14 determine that the abuse or neglect was the sole cause of the fatality or that the child would have lived if the abuse and/or neglect did not occur. On the other hand, the fact that an agency described in 31-502.14 has determined that evidence of abuse and/or neglect was present is by itself an insufficient basis for the county child welfare agency to find that abuse and/or neglect was a material contributing factor in a child fatality. To meet the material contributing factor test, the county child welfare agency must be able to conclude that an agency described in 31-502.14 has determined that abuse and/or neglect was a factor in the child fatality that was more than inconsequential or incidental, which contributed to the cause or causes of the child fatality.

HANDBOOK BEGINS HERE

Section 11165.6 of the Penal Code provides that abuse and/or neglect shall include, but not be limited to, inflicting physical injury or death by other than accidental means upon a child; failing to provide a child with adequate food, clothing, shelter, medical care, or

supervision; willfully causing or permitting any child to suffer, or inflicting thereon, unjustifiable physical pain or mental suffering; and/or sexual abuse.

The Federal Child Abuse Prevention And Treatment Act at 42 U.S.C. 5106a(b)(2)(B)(X) provides the State plan under part B of title IV of the Social Security Act includes "an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that includes . . . provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality . . .".

HANDBOOK ENDS HERE

- .14 Pursuant to Welfare and Institutions Code § 10850.4(b)(1)-(3), for reporting and disclosure purposes, the county child welfare agency shall rely on a determination by a law enforcement agency and/or a coroner or medical examiner that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, and/or that a county child welfare or probation agency has substantiated that abuse and/or neglect resulted in a child fatality as described in section 31-502.13.
- .15 Where it is determined or substantiated by an agency identified in Section 31-502.14 that a child fatality occurred as a result of more than one cause, one of which was abuse and/or neglect, the county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and Section 31-502.3.
- .16 The county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and section 31-502.3 if any of the agencies identified in Section 31-502.14 have made the determination that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, even if another agency identified in Section 31-502.14 has determined otherwise.
- .2 The county child welfare agency shall submit a report to the Department, using the SOC 826 form, for each child fatality when, upon completion of ~~the~~ a child abuse and/or neglect investigation, it has been determined that the child fatality was the result of child abuse and/or neglect resulted in the child fatality pursuant to Section 31-502.13 through 31-502.16. The county child welfare agency shall report this information to the Department using the SOC 826 form. The report shall include the following information:
- .21 (Continued)
- .23 Residence of child at the time of death, and at the time that the abuse and/or neglect which resulted in the child's death as described in Section 31-502.13.
- .231 (Continued)
- .232 Parent or Guardian as defined by Sections 31-002(g)(3) and (p)(1). ~~and (g)(3).~~

(a) For purposes of Section 31-502, the term guardian shall also include an adult with whom the child resides and who functions as a putative parent or guardian for the child.

- .24 Whether an investigation is being conducted or has been conducted by a law enforcement agency and/or the county child welfare agency.
- .25 The agency that made the determination ~~whether~~ that the child fatality was ~~or was not~~ the result of abuse and/or neglect pursuant to Sections 31-502.13 through 31-502.16.

~~.251 CWS or Probation~~

~~A "determination" of abuse and/or neglect by CWS or Probation is the substantiation of abuse and/or neglect allegations which resulted in the fatality.~~

~~.252 Law Enforcement~~

~~A law enforcement investigation concludes that the child's death was a result of abuse and/or neglect.~~

~~.253 Coroner/Medical Examiner~~

~~A coroner/medical examiner concludes that the child's death was a result of abuse and/or neglect.~~

- .26 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.

HANDBOOK BEGINS HERE

- ~~.254 Penal Code 11165.12(b) defines a "substantiated" report as one "that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred."~~

HANDBOOK ENDS HERE

- ~~.3 Upon public request, whether written, verbal, or via email or facsimile, the county shall release information related to a child fatality to the requesting party in the following circumstances:~~

- ~~.31~~ When there is reasonable suspicion that the fatality was a result of abuse, and/or neglect, the county shall provide the information as listed in Section 31-502.2 to the requesting party within five (5) business days of receiving the request.
- ~~.32~~ Upon receiving the public request for information pursuant to Sections 31-502.33 and/or .34, the county shall notify counsel for any child directly or indirectly related to the deceased child's case record.
- ~~.33~~ When the agency, pursuant to Section 31-502.25, makes the determination that the child fatality was a result of abuse and/or neglect, the child resided with his/her parent or guardian, as defined by Sections 31-002(g)(3) and (p)(1), and the abuse and/or neglect was inflicted by the parent or guardian, the county shall release additional documents pertinent to that parent or guardian.
- ~~.331~~ The following information, subject to redactions specified in Section 31-502.4, shall be released by the county upon public request within ten (10) business days of receiving the request or the determination of the investigation, whichever is later:
- ~~(a)~~ All information listed in Section 31-502.2.
 - ~~(b)~~ Any emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that resulted in the death of the child.
 - ~~(c)~~ Any previous referrals of abuse or neglect specific to the deceased child that were determined to be inconclusive or substantiated while living with that parent or guardian.
 - ~~(d)~~ Any cross reports relating to the deceased child that were completed by the county and sent to a law enforcement agency.
 - ~~(e)~~ Any copies of police reports about the person against whom the child abuse and/or neglect was substantiated.
 - ~~(f)~~ Any health care records, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse and/or neglect.
 - ~~(g)~~ Any risk and safety assessments, as defined by Sections 31-002(r)(7) and 31-002(s)(1), relating to the deceased child that were completed by the county.
- ~~.34~~ When the agency, pursuant to Section 31-502.25, makes the determination that the child fatality was a result of abuse and/or neglect, the child resided in foster care, and

the abuse and/or neglect was inflicted by the foster parent(s), the county shall release additional documents pertinent to the foster parent(s).

~~.341 The following documents, subject to redactions specified in Section 31-502.4, shall also be released by the county to the requesting party within ten (10) business days of the request or the final determination of the investigation, whichever is later:~~

- ~~(a) All of the information listed in Section 31-502.21 through .25.~~
- ~~(b) The emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that resulted in the death of the child.~~
- ~~(c) Any previous referrals of abuse or neglect specific to the deceased child that were determined to be inconclusive or substantiated while living with the foster parent(s).~~
- ~~(d) Any cross reports relating to the deceased child that were completed by the county and sent to a law enforcement agency pertinent to the foster parent(s).~~
- ~~(e) Any copies of police reports about the person(s) against whom the child abuse and/or neglect was substantiated.~~
- ~~(f) Any health care records, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse and/or neglect inflicted by the foster parent(s).~~
- ~~(h) Any risk and safety assessments, as defined by Sections 31-002(r)(7) and (s)(1), relating to the deceased child that were completed by the county pertinent to the foster parent(s).~~
- ~~(i) Records pertaining to the foster parent's license and type of license or licenses held, if in the case record.~~
- ~~(j) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.~~
- ~~(k) All documented licensing violations, including plans of correction, if in the case record.~~
- ~~(l) Records of any training completed by the foster parent(s), if in the case record.~~

~~(m) If licensing records pertaining to the foster parent(s) are not contained in the child's case record, the county shall release the documents and information specified in Sections 31-502.341(a) through (k) that are available within the case record and direct the requesting party to the appropriate licensing agency for any additional information or documents. For licensing/approval files maintained by the county, the county shall forward that part of the request to the appropriate county custodian of records.~~

~~.35 When a child fatality has occurred as a result of abuse and/or neglect by a non-residential licensed child care provider, the county shall direct any public request to the appropriate licensing department or agency that has jurisdiction over the facility.~~

.3 Sections 31-502.31 through 31-502.37 describe the circumstances in which the county child welfare agency has a duty to disclose child fatality information, as well as the information and records the county child welfare agency is required to disclose, when an agency, pursuant to Sections 31-502.13 through 31-502.16, makes the determination that abuse and/or neglect by a parent, guardian, foster parent(s) or other person resulted in the child fatality, when the child resided with his/her parent or guardian, or in foster care.

.31 ABUSE AND/OR NEGLECT BY A PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the parent or guardian, as defined in Section 31-502.232 resulted in the child fatality, the county child welfare agency shall release the following records.

.311 To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

(a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.

(b) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E). (See the following Handbook Section)

(c) All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(c)(2)(A-E) provides:

The emergency response referral information form and the emergency response notice of referral disposition form completed by the county child welfare agency relating to the abuse or neglect that caused the death of the child.

Any cross reports completed by the county child welfare agency to law enforcement relating to the deceased child.

All risk and safety assessments completed by the county child welfare services agency relating to the deceased child.

All health care records of the deceased child, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse or neglect.

Copies of police reports about the person against whom the child abuse or neglect was substantiated.

HANDBOOK ENDS HERE

.32 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN, AND CONTRIBUTORY NEGLECT BY THE PARENT OR GUARDIAN.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the parent or guardian resulted in the child fatality and the child resided with his/her parent or guardian, as defined in Section 31-502.232, at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined that neglect by the parent or guardian contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

.321 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10)

business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian and the person whose abuse and/or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.33 ABUSE AND/OR NELGECT BY A FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the child's foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8), the county child welfare agency shall release the following records.

- .331 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s). Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(3)(A-C).

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(c)(3)(A-C) provides:

- (A) Records pertaining to the foster parents' initial licensing and renewals and type of license or licenses held, if in the case file.
- (B) All reported licensing violations, including notices of action, if in the case file.

- (C) Records of the training completed by the foster parents, if in the case file.

HANDBOOK ENDS HERE

- (d) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

- (e) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.

.332 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.331(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.333 The county child welfare agency shall redact from any records released under Section 31-502.331, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that resulted in the child's death.

.34 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE FOSTER PARENT(S) WHEN THE CHILD WAS LIVING WITH THE FOSTER PARENT(S), AND CONTRIBUTORY NEGLECT BY FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8) at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined or substantiated that neglect by the foster parent(s) contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

.341 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s) and the person whose abuse or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.331(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.331(c) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(3)(A-C) (See Handbook Section below MPP 31-502.331(c)).

HANDBOOK ENDS HERE

- (d) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP 31-502.12)

HANDBOOK ENDS HERE

- (e) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.

.342 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.341(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.343 The county child welfare agency shall redact from any records released under Section 31-502.342, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that materially contributed to the child's death.

.35 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT, GUARDIAN, OR FOSTER PARENT(S), NO CONTRIBUTORY NEGLECT BY PARENT, GUARDIAN, OR FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16 determines or substantiates that abuse and/or neglect inflicted by someone other than the parent, guardian or foster parent(s) resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, and there is no determination of neglect

by the parent, guardian or foster care provider, the county child welfare agency shall release the following records.

.351 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (a) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.352 The county child welfare agency shall redact from any records released under Section 31-502.351, in addition to the redactions indicated in Section 31-502.4, any information that would identify the parent, guardian, or foster parent(s).

.36 ABUSE AND/OR NEGLECT IN NON-RESIDENTIAL CHILD CARE.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect occurring in a licensed family day care home as defined by Title 22 of the California Code of Regulations section 102352(f)(1), a licensed child care center as defined by Title 22 of the California Code of Regulations section 101152(c)(7), or a family day care home that is exempt from licensure pursuant to Health and Safety Code Section 1596.792, resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, the county child welfare agency shall release the following records.

HANDBOOK BEGINS HERE

Title 22 of the California Code of Regulations section 102352(f)(1) provides:

"Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.

Title 22 of the California Code of Regulations section 101152(c)(7) provides: "Child Care Center" means any child care facility of any capacity, other than a family child care home as defined in Section 102352f.(1), in which less than 24- hour per day nonmedical care and supervision are provided to children in a group setting.

Health and Safety Code Section 1596.792 provides in pertinent part:

- (a) Any family day care home providing care for the children of only one family in addition to the operator's own children.
- (b) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:
 - (1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.
 - (2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

- (3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.
- (4) No more than 12 children are receiving care in the same place at the same time.
- (c) Any arrangement for the receiving and care of children by a relative.
- (d) Any child day care program that operates only one day per week for no more than four hours on that one day.

HANDBOOK ENDS HERE

.361 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code

Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

(c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

(d) Licensing records.

.362 If licensing/approval records pertaining to the non-residential care provider are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.361(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.363 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.361 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse and/or neglect by the parent, guardian, or foster parent contributed to the circumstances that resulted in the child's fatality as described in section 31-502.13.

.37 ABUSE AND/OR NEGLECT BY AN UNIDENTIFIED INDIVIDUAL WHEN THE CHILD WAS LIVING WITH THE PARENT, GUARDIAN, OR FOSTER CARE PROVIDER

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect resulted in the child fatality, but has not determined who inflicted the abuse and/or neglect, the county child welfare agency shall release the following records.

.371 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals of abuse and/or neglect of the deceased child. Any information in these referrals that identify any child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.372 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.371 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse or neglect by the parent, guardian, or

foster parent contributed to the circumstances that resulted in the child's fatality.

.38 Upon receiving a public request for information pursuant to Sections 31-502.31 through 31-502.37 the county child welfare agency shall notify counsel for any child directly or indirectly related to the deceased child's case record.

.4 (Continued)

.43 If disclosure of information about a child, including the deceased child or any sibling of the deceased child, as listed in Sections ~~31-502.331(a)~~ 31-502.31 through ~~(g)~~ and Sections ~~31-502.41(a) through (k)~~ 31-502.37, may be detrimental to the well-being of another child, counsel for that child may petition the juvenile court to prevent the release of any document or part of a document requested pursuant to Welfare and Institutions Code Section 827.

.431 (Continued)

.46 When a public request is made for documents other than those listed in Sections ~~31-502.331(a)~~ 31-502.31 through ~~(g)~~ and Sections ~~31-502.341(a) through (i)~~ 31-502.37, the county child welfare agency shall only release this information upon an order from the juvenile court pursuant to Welfare and Institutions Code Section 827.

.47 (Continued)

Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code.

Reference: Penal Code Sections 11165.12, 11166, and 11169; 42 USC 5106; 45 CFR 1340.15(b), and Sections 827, 4903, and 10850.4, Welfare and Institutions Code; 42 U.S.C. 5106a(b)(2)(B)(X); Butterfield v. Lightbourne (Cal.Sup. Dec. 28, 2012, No 37-2011-00097858-CU-MC-CTL).

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2015-0427-01N	EMERGENCY NUMBER
NOTICE		REGULATIONS	

For use by Office of Administrative Law (OAL) only

2015 APR 27 PM 1:29
OFFICE OF ADMINISTRATIVE LAW

For use by Secretary of State only

ORIGINAL
FILEDin the office of the Secretary of State
of the State of CaliforniaJUN - 1 2015
At 3:40 O'Clock P M.By *[Signature]*
Deputy Secretary of StateAGENCY WITH RULEMAKING AUTHORITY
California Department of Social ServicesAGENCY FILE NUMBER (If any)
ORD #0115-01**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Child Passenger Restraint Systems (Car Seats)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 22		AMEND Sections 101169(d)(18), 101225(f) and 101425(d)(2)	
		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b))			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify) _____			
☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☒ §100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Ying Sun, Manager, Office of Regulations		TELEPHONE NUMBER (916) 651-8267	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) Ying.Sun@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i>	DATE 4/16/15
TYPED NAME AND TITLE OF SIGNATORY Brian Dougherty, Acting Deputy Director, Administration Division	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 01 2015

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Amend Section 101169(d)(18) to read:

101169 APPLICATION FOR LICENSE (Continued)

101169

(d) The LIC 281A (12/96) and supporting documents shall together contain the following:
(Continued)

(18) Evidence that the applicant has posted signs at the entrance to the child care center that provide the telephone number of the local health department and information on child passenger restraint systems pursuant to Health and Safety Code ~~Section~~ 1596.95(g) and Vehicle Code ~~Sections~~ 27360(b) and 27360.5.

(A) The signs shall provide all of the following information:

1. Protect your child—it is the law.
2. ~~Children under the age of four years, regardless of weight, or weighing less than 40 pounds, regardless of age, must be in an approved child passenger restraint system~~ All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
3. ~~You may be cited for a violation of the child passenger restraint system provisions. In addition, your automobile insurance rates could be adversely affected as a result.~~
43. Call your local health department for more information.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.83, 1596.856, 1596.877, 1596.95, 1596.952(a), 1596.955, and 1596.956, Health and Safety Code.

Amend Section 101225(f) to read:

101225 TRANSPORTATION

101225

(f) The licensee shall post signs at the entrance to the child care center that provide the telephone number of the local health department and information on child passenger restraint systems pursuant to Health and Safety Code ~~Section~~ 1596.95(g) and Vehicle Code ~~Sections~~ 27360(b) and 27360.5.

(1) The signs shall provide all of the following information:

(A) Protect your child—it is the law.

(B) ~~Children under the age of four years, regardless of weight, or weighing less than 40 pounds, regardless of age, must be in an approved child passenger restraint system.~~ All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.

(C) ~~You may be cited for a violation of the child passenger restraint system provisions. In addition, your automobile insurance rates could be adversely affected as a result.~~

(~~D~~) Call your local health department for more information.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81 and 1596.95, Health and Safety Code.

Amend Section 101425(d)(2) to read:

101425 INFANT CARE TRANSPORTATION

101425

- (d) When transporting infants in any motor vehicle, the licensee shall secure each infant in a child passenger restraint system, i.e., a car seat designed for an infant. The child passenger restraint system shall be secured in the vehicle in accordance with the manufacturer's instructions. (Continued)
- (2) Vehicle Code ~~Section 27360(b)~~ requires that children as specified must be secured in a child passenger restraint system. (Continued)

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0707-01	REGULATORY ACTION NUMBER 2015-0505-01C	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ORIGINAL FILED
in the office of the Secretary of State
of the State of California

2015 MAY -5 PM 12:34
OFFICE OF
ADMINISTRATIVE LAW

JUN 17 2015
At 2:18 O'Clock PM
By [Signature]
Deputy Secretary of State

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (If any)
ORD #0214-01

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014 292		PUBLICATION DATE 7/18/2014	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Annual Reporting/Child Only (AR/CO) in the CalWORKs Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0620-03EF, 2014-1202-03EE	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT See attachment	
		AMEND See attachment	
TITLE(S) MPP		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b)) ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify) _____ ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☒ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Ying Sun, Manager, Office of Regulations		TELEPHONE NUMBER (916) 651-8267	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) Ying.Sun@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Brian Dougherty, Acting Deputy Director, Administration Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 17 2015

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Notice Publication/Regulations Submission, STD. 400
California Department of Social Services
Semi-Annual Reporting (SAR) in the CalWORKs Program (ORD #0214-01)
Section B.2. Specify California Code of Regulations Title(s) and Section(s):

Manual of Policies and Procedures (MPP)

Adopt Section 40-039

Amend Sections:

22-071	42-209	44-133	44-352
22-072	42-213	44-205	48-001
22-305	42-221	44-207	80-301
40-103	42-406	44-211	80-310
40-105	42-407	44-304	82-612
40-107	42-716	44-305	82-812
40-119	42-721	44-313	82-820
40-125	42-751	44-315	82-824
40-128	42-769	44-316	82-832
40-173	44-101	44-318	89-110
40-181	44-102	44-325	89-201
40-188	44-111	44-327	
40-190	44-113	44-340	
41-405	44-115	44-350	

Amend Section 22-071 to read:

22-071 ADEQUATE NOTICE

22-071

- .1 Except as provided in Section 22-071.2, the county shall give the claimant adequate notice as defined in Section 22-001(a)(1) in the following instances:
 - .11 When aid is granted or increased.
 - .12 For CalWORKs and CalFresh cases, when aid is denied, decreased, not changed following a recipient mid-period report, cancelled, or discontinued. When aid is not changed due to a voluntary recipient mid-period report, the notice shall be sent as soon as administratively possible, but no later than thirty days from the date the voluntary report is made. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10613, 11209, 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; and 45 CFR 255.4(j)(1) and 256.4(b).

Amend Section 22-072 to read:

22-072 TIMELY NOTICE - AID PENDING HEARING (Continued)

22-072

.2 Timely notice shall not be required in the following instances, although the county shall send adequate notice no later than the effective date of the action: (Continued)

- (1) For CalWORKs and CalFresh cases, the county determines there will be no change in a recipient's cash aid as a result of a recipient mid-period report. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10613, 11209, and 11265.1, Welfare and Institutions Code; 7 CFR 273.15(c)(4); 45 CFR 205.10; 45 CFR 255.2(h)(2); 45 CFR 256.2(c); and 45 CFR 256.4(d).

Amend Section 22-305 to read:

22-305 GENERAL PROVISIONS (Continued)

22-305

.4 Definitions

The definitions in Section 22-001 shall apply unless they are specifically provided for in this chapter. The following additional definitions, in alphabetical order, shall apply wherever the terms are used in this chapter: (Continued)

.42 Intentional Program Violation (IPV) - Means an action by an individual, for the purpose of establishing or maintaining the family's eligibility for CalWORKs or for increasing or preventing a reduction in the amount of the grant, which is intentionally: (Continued)

.422 Any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

HANDBOOK BEGINS HERE

(a) To determine what constitutes an IPV, CDSS recognizes a distinction in the following:

(1) Intentional concealment or willful misrepresentation which may result in an IPV.

(SAR) EXAMPLE: In completing the Semi-Annual Eligibility Report (SAR 7), respondent reports that the family has no income. Respondent also states that no one had started employment in the SAR 7 Reporting Period. County evidence indicates respondent did start work during the SAR Data Month, but it was reported that no one had started work. Respondent also did receive earnings in each of the months under review.

(AR/CO) EXAMPLE: In completing the Statement of Facts (SAWS 2), respondent reports that the family has no income. Respondent also states that no one had started employment in the AR/CO Data Month. County evidence indicates respondent did start working during the AR/CO Data Month, but it was reported that no one had started work. Respondent also did receive earnings in the AR/CO Data Month.

(2) Incorrect representation, negligence, or omissions because of a mistake or a lack of understanding of eligibility requirements which do not result in an IPV.

(SAR) EXAMPLE: Respondent reports on the SAWS 2 that he/she began employment the last week of the fifth month of the SAR Payment Period and that he/she will be paid every two weeks. Respondent completes the subsequent SAR 7 and reports that they did not receive any income in the Data Month.

(AR/CO)EXAMPLE: Respondent reports on the SAWS 2 that he/she began employment the eleventh month of the AR/CO Payment Period Month and that he/she will be paid every two weeks. Respondent checks the box "No" for income received in the month.

(3) The CWD's omission, neglect, or error in explaining requirements for assistance or in processing information, which does not result in an IPV.

(SAR) EXAMPLE: Respondent completes the SAR 7 without answering the question relating to household's receipt of income during the Data Month. The county fails to return the SAR 7 as incomplete. Evidence establishes respondent had income during the Data Month.

(AR/CO)EXAMPLE: Respondent completes the SAWS 2 without answering the question relating to household's receipt of income during the AR/CO Data Month. The county fails to return the SAWS 2 as incomplete. Evidence establishes respondent has income during the Data Month.

HANDBOOK ENDS HERE

.43 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; and 45 CFR 235.112(b) and .113(b)(2).

Adopt Section 40-039 to read:

40-039 IMPLEMENTATION OF ANNUAL REPORTING CHILD ONLY FOR 40-039
CalWORKs RECIPIENTS

- .1 Effective Date All regulatory action implementing the provisions of Annual Reporting Child Only (AR/CO) as authorized by Senate Bill (SB) 1041 (Chapter 47, Sections 7-10, Statutes of 2012), shall become effective for recipient cases October 1, 2012. Annual reporting child only regulations include a unique regulation design which includes a tandem format for the operation of semi-annual reporting and annual reporting child only. This is because the systems are parallel reporting systems and recipients may go back and forth between SAR and AR/CO. Regulations that are operative under Semi-Annual Reporting are labeled (SAR). Regulations that are operative under Annual Reporting Child Only are labeled (AR/CO). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged.
- .2 Divisions Impacted by Divisions 22, 40, 41, 42, 44, 48, 80, 82, and 89.
Annual Reporting Child Only

Authority cited: Sections 10553, 10554, Welfare and Institutions Code.

Reference: Sections 11265.45, 11265.46, 11265.47, and 11264.48 Welfare and Institutions Code.

Amend Section 40-103 to read:

40-103 DEFINITIONS AND DESIGNATIONS – GENERAL (Continued)

40-103

(SAR)

.5 Semi-Annual Reporting Cycle – The semi-annual reporting (SAR) cycle is comprised of six consecutive months which constitute a SAR Payment Period. The following terminology is used to describe the months and the period of an individual SAR cycle:

(SAR) .51 SAR Payment Period – the six month period for which cash aid is paid/issued. A SAR Payment Period is comprised of six consecutive calendar months. The SAR Payment Period begins the first day following the SAR Submit Month. The SAR Payment Period can be the six months following the submittal of the SAR 7 or the completion of the SAWS 2.

(SAR) .52 Next SAR Payment Period – the SAR Payment Period immediately following the SAR Submit Month.

(SAR) .53 SAR Data Month – the month for which the recipient reports all information necessary to determine eligibility on either the SAR 7 or the SAWS 2. The SAR Data Month is the fifth month of each SAR Payment Period. Only information from the Data Month and any known changes must be reported on the SAR 7; however, all available information must be included on the SAWS 2.

(SAR) .54 SAR Submit Month – the month in which the SAR 7 or the annual redetermination of eligibility is required to be completed and submitted to the county. The SAR Submit Month immediately follows the SAR Data Month and is the sixth month of each SAR Payment Period.

(SAR) .55 SAR Reporting Period – The SAR Data Month and the five preceding months. The SAR Reporting Period generally refers to the period of time since the last mandatory report (SAR 7 or SAWS 2) was completed.

HANDBOOK BEGINS HERE

(SAR) The following table illustrates how months are arranged in a SAR cycle. Note that the SAR cycles are based on the Beginning Date of Aid (BDA) in order to ensure the SAR cycle is aligned with the redetermination/recertification date.

First SAR Payment Period					
January BDA	February	March	April	May	June
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ SAR 7 is due

Second SAR Payment Period					
July	August	September	October	November	December
SAR Payment Period Begins	Month 2	Month 3	Month 4	SAR Data Month	SAR Submit Month/ RD/RC is due

HANDBOOK ENDS HERE

.6 Inquiries – (Continued)

.7 Aid Programs (Continued)

.8 IEVS – (Continued)

(AR/CO)

.9 Annual Reporting/Child Only – An Annual Reporting/Child Only (AR/CO) case is a CalWORKs Assistance Unit (AU) that does not include an eligible adult, with the exception of an adult who has been sanctioned due to non-compliance with welfare-to-work (WTW) requirements per Section 42-721. AR/CO cases are subject to annual reporting requirements. The following terminology is used to describe the months and the period of annual reporting:

(AR/CO).91 AR/CO Payment Period – the twelve month period for which cash aid is paid/issued. An AR/CO Payment Period is comprised of twelve consecutive calendar months. The AR/CO Payment Period begins the first day following the AR/CO Submit Month. The AR/CO Payment Period is the twelve months following the completion and submittal of the SAWS 2.

(AR/CO).92 AR/CO Data Month - the month for which the recipient reports all information necessary to determine eligibility on the SAWS 2. The AR/CO Data Month is the eleventh month of the AR/CO Payment Period.

(AR/CO).93 AR/CO Submit Month - the month in which the SAWS 2 is required to be completed and submitted to the county. The AR/CO Submit Month immediately follows the AR/CO Data Month and is the twelfth month of the AR/CO Payment Period.

(AR/CO).94 AR/CO Reporting Period – The AR/CO Data Month and the eleven preceding months. The AR/CO Reporting Period generally refers to the period of time since the last SAWS 2 was completed and submitted.

HANDBOOK BEGINS HERE

(AR/CO) The following table illustrates how months are arranged in an AR/CO Payment Period. The AR/CO Payment Period is based on the Beginning Date of Aid.

When a CalWORKs case begins in AR/CO, it is still necessary to assign the case a SAR cycle, as the case may transition between AR/CO and SAR.

AR/CO Payment Period											
January BDA	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
AR/CO Payment Period Begins	2	3	4	5	6	7	8	9	10	11 AR/CO Data Month	12 AR/CO Submit Month

HANBOOK ENDS HERE

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11056, 11265.1, and 11265.45, Welfare and Institutions Code; and 45 CFR 206.10(a)(1)(ii).

Amend Section 40-105 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

.1 Assuming Responsibility Within His/Her Capabilities (Continued)

(SAR) .14 Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1)) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the semi-annual period (see Section 44-316(SAR)).

(AR/CO) Applicants shall report within five calendar days of the occurrence, any change in any of these facts (see Section 40-181.1(e)(1) and recipients shall report within ten calendar days of the occurrence, any change required to be reported during the annual period (see Section 44-316 (AR/CO)). (Continued)

.4 Immunization Requirements (Continued)

(g) Failure to Cooperate

If an applicant/recipient fails to submit timely verification of immunization of any child(ren) in the AU under the age of six (see Section 40-105.4(d)) and does not qualify for an exemption or have good cause (see Section 40-105.4(i)), the grant shall be reduced by the amount (MAP) allowed for the needs, as specified in Section 44-315.311, of the parent(s)/caretaker relative in the AU.

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(1) Immunization Penalty Computations

Examples:

(A) An AU composed of a mother and her three children fails to submit verification of immunization and is not found to have good cause. The mother has total earned income of \$525 per month and no disability-based unearned income. The AU is nonexempt and resides in Region 2.

Grant Computation - Single Penalty:

AU size remains four, but due to the penalty, use the MAP for three.

\$ 525	Gross Earned Income
- <u>225</u>	Unused \$225 DBI Disregard
\$ 300	Remaining Earned Income
- <u>150</u>	50% Earned Income Disregard
\$ 150	Net Nonexempt Income
\$ 638	MAP for three (excluding the parent)
- <u>150</u>	Total Net Nonexempt Income
\$ 488	Aid Payment

- (B) This same AU also fails to cooperate with the District Attorney's office in establishing paternity for child support.

Grant Computation - Double Penalty

\$ 525	Gross Earned Income
- <u>225</u>	Unused \$225 DBI Disregard
\$ 300	Remaining Earned Income
- <u>150</u>	50% Earned Income Disregard
\$ 150	Net Nonexempt Income
\$ 638	MAP for three (excludes the parent)
- <u>150</u>	Total Net Nonexempt Income
\$ 488	Aid Payment with First Penalty Applied
- <u>122</u>	25% of Aid Payment - Second Penalty for Failure to Cooperate with DA*
\$ 366	Aid Payment with Both Penalties Applied

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: Welfare and Institutions Code Section 11017, MPP Section 44-315.34.

HANDBOOK ENDS HERE

- (h) Restoration of Aid

- (SAR) Once verification of immunization is submitted the grant is increased to reflect the needs of the parent(s)/caretaker relative effective the first of the month following the month in which verification is received (see Section 44-316.331(d)(SAR)).
(Continued)

.5 School Attendance Requirements (Continued)

(g) Restoration of Aid

(SAR) The needs of the parent(s)/caretaker relative or child(ren) shall be restored effective the first of the month following the month in which verification of regular school attendance is received (See Section 44-316.331(d)(SAR)).

Authority cited: Sections 10553, 10554, 10604, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10553, 10554, 10604, 11017, 11209, 11253.5, 11265.3, 11265.8, 11266, 11268, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

Amend Section 40-107 to read:

40-107 COUNTY RESPONSIBILITY (Continued)

40-107

(j)

(SAR) Establishing the Semi-Annual Reporting Cycle

Applicants shall be assigned a specific Semi-Annual Reporting (SAR) cycle using their beginning date of aid. If the applicant has an existing CalFresh recertification period, the county shall align the SAR cycle with the existing recertification period. The county must align the CalWORKs annual redetermination of eligibility with the CalFresh certification period. The redetermination/recertification acts as the second semi-annual report so it must also be aligned with the SAR Submit Month. The county shall provide the SAR 7 or SAWS 2 to the recipient by the end of the SAR Data Month in the SAR Payment Period in which it is due. The county must provide the recipient with a written notice that will include:

(AR/CO) Establishing the Semi-Annual and Annual Reporting Cycle

Applicants shall be assigned a specific Semi-Annual Reporting (SAR) cycle using their beginning date of aid. If the applicant has an existing CalFresh recertification period, the county shall align the SAR cycle with the existing recertification period. The county must align the CalWORKs annual redetermination of eligibility with the CalFresh certification period. The county shall provide the SAWS 2 to the recipient by the end of the AR/CO Data Month in the AR/CO Payment Period in which it is due. The county must provide the recipient with a written notice that will include:

- (1) The AU's individual SAR cycle,
- (SAR) (2) The months in which the SAR 7 and the annual redetermination of eligibility (SAWS 2) are due, and
- (AR/CO) (2) The month in which the annual redetermination of eligibility (SAWS 2) is due, and
- (SAR) (3) The SAR Data Months they will be responsible for reporting information.
- (AR/CO) (3) The AR/CO Data Month they will be responsible for reporting information.

(SAR) (A) Semi-Annual Reporting Cycle Based on Beginning Date of Aid

The county shall establish six SAR cycles, each comprised of two SAR Payment Periods (see Section 40-103.5(SAR)). The county shall assign the applicant to one of these cycles based on the beginning month of aid. Unless the SAR cycle is being established to align with an existing

CalFresh recertification date, the beginning month of aid shall be considered the first month of the SAR Payment Period.

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- (SAR) This model requires CWDs to consider a client's beginning date of aid as the first month of the SAR Payment Period. This month will begin the SAR cycle for the new reporting system. Clients will be assigned to one of six cycles, based on their beginning date of aid. For purposes of discussing months within the cycle, the following definitions will apply:
(Continued)

This system enables the county to align the reporting/budgeting cycle with the CalFresh recertification date. The month in which the certification period expires will always be the SAR Submit Month, which will be when the recertification is completed to establish the thirteenth month's allotment.

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- (SAR) (B) Semi-Annual Reporting Cycles Based on Other Methods

Under SAR, counties may establish reporting cycles based on factors established or approved by the department; however, the SAR cycle must be aligned with the CalWORKs redetermination date and the CalFresh recertification date.

- (k) Case Transition between SAR and AR/CO

The county shall provide the recipient with written notice when a recipient's reporting requirements transition from AR/CO to SAR or SAR to AR/CO at any time during the AR/CO Payment Period or SAR Payment Period. The written notice shall include all of the following:

- (1) The effective date of the change in reporting requirements;
- (2) The reporting rules;
- (3) Income Reporting Threshold rules;
- (4) Mandatory reporting rules;
- (5) Voluntary reporting rules;
- (6) Welfare-to-Work Reporting rules

- (A) Cases that Change from AR/CO to SAR

1. The SAR 7 shall not be due in the same month in which the adult is added to the household.
2. The case shall retain the same SAR Cycle and redetermination due date, which is based on the beginning date of aid (Section 44-107 (j)(SAR)).

(B) Cases that Change from SAR to AR/CO

1. The case shall transition to AR/CO effective the first of the month following the date the adult is removed from the household.
2. The case shall not be discontinued if the recipient fails to submit the SAR 7 in cases where the adult has a SAR 7 due in one month, but transitions to AR/CO the following month.
3. The case shall retain the same SAR Cycle and redetermination due date, which is based on the beginning date of aid (Section 44-107 (j)(AR/CO)).

HANDBOOK BEGINS HERE

(I) Examples of Cases Transitioning between SAR and AR/CO

(1) AR/CO to SAR

The AU is an AR/CO case that applied for and was granted aid in April. The case consists of a non-needy relative (NNR) and two children. The redetermination is due in March and case is assigned SAR cycle 4. On June 2, the NNR reports she was laid off from her job and provides verification. She applies to include herself in the AU. The CWD determines she is eligible effective July 1. The case is now under SAR rules effective July 1. The CWD provides a Notice of Action to the recipient indicating the adult has been added to the AU along with a written notice indicating the case is now subject to SAR rules. The SAR cycle assigned is based on the beginning date of aid (April) and the SAR 7 is due in September. (Note: Even though the case originated as an AR/CO case, the SAR cycle was assigned at the time client was approved for aid in April.)

(2) AR/CO to SAR

An AR/CO case consists of a timed out mother and two children and has her redetermination due in April (SAR cycle 5). On December 5, the mother reports a change in household composition, reporting the father of the children has moved into the home and he wishes to apply for aid. The CWD determines the father is eligible and is added to the case effective January 1. The AU transitions from AR/CO to SAR effective January 1 because the father is now part of the AU. The

CWD provides a Notice of Action to the recipient indicating the adult has been added to the AU along with a written notice indicating the case is now subject to SAR rules. The case retains the same SAR cycle based on the beginning date of aid. The redetermination will be completed in April. No SAR 7 would be due prior to redetermination (April).

(3) SAR to AR/CO

An AU of 3 consists of a mother and two children. The case is a SAR case with SAR cycle 2 (beginning month of aid August). The mother times out December 31st. The case will change to AR/CO effective January 1. The CWD provides a Notice of Action to the recipient indicating the adult has been removed from the AU along with a written notice indicating the case is now subject to AR/CO rules. The redetermination is due in August. The SAR 7 will not be due in January because the case is no longer subject to SAR requirements.

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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11265.1, 11265.48, 11268, 11322.5, 11323.3, 11324.8(a), (b) and (c), 11454, 11454(b) and (e), 11454.2, 11495.1, and 11500, Welfare and Institutions Code; 42 USC Sections 608(a)(7), 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; and California Department of Health Services Manual Letter 77-1; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-119 to read:

40-119 HOW AND WHERE APPLICATION IS MADE (Continued)

40-119

.2 Optional Persons
(SAR)

The county shall consider either the SAWS 1, SAR 3, or the SAR 7 the application for adding an optional person.

(AR/CO)

The county shall consider either the SAWS 1 or AR 3 the application for adding an optional person.
(Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(1)(ii), (a)(8), and (b)(2); 45 CFR 233.10(a)(1)(ii)(A) and (B); 45 CFR 233.100(a)(3)(iii) and (vi)(A); and Sections 11265.1, 11265.3, and 11450(b), Welfare and Institutions Code.

Amend Section 40-125 to read:

40-125 REAPPLICATIONS, RESTORATIONS, AND
COUNTY OF RESPONSIBILITY (Continued)

40-125

.9 Request for Restoration of Aid (Continued)

(SAR) .92 If the applicant is determined to be eligible within the month following discontinuance, the applicant must provide a current SAR 7 unless a complete SAR 7 for the SAR Payment Period in which the applicant was discontinued is in the county's possession. The applicant may be assigned to the previous SAR cycle or a new SAR cycle as long as the SAR cycle remains aligned with their redetermination/recertification date.

.93 (Continued)

(SAR) .94 Restorations in the Calendar Month Following a SAR 7 Related Discontinuance

(SAR) .941 When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, but after the first working day of the next SAR Payment Period, the county shall determine if the recipient had good cause (Section 40-181.23(SAR)) for failure to submit a complete report.

(SAR) .942 If the recipient had good cause for failure to submit a complete report, the discontinuance action shall be rescinded, eligibility redetermined and the grant amount computed based on information contained on the complete SAR 7 submitted by the recipient.

(SAR) .943 When a recipient who has been discontinued for failure to submit a complete SAR 7 requests restoration of CalWORKs during the calendar month following discontinuance, and is not found to have good cause, the CWD shall redetermine eligibility based on the information contained on the complete SAR 7 submitted by the recipient as follows:

(SAR) (a) Eligibility will be based on recipient rules. The recipient will not be subject to applicant eligibility criteria.

(SAR) (b) An application (SAWS 1), Statement of Facts (SAWS 2), and intake interview are not required.

(SAR) (c) If found eligible, aid will be restored, prorated, effective the date that the recipient submitted the complete SAR 7. (See Section 44-315.72 for instructions on how to calculate prorated benefit amounts.)

.95 Restorations Based on Excess Property (Continued)

- .952 If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

.96 Restorations Based on Excess Income (Continued)

- .962 If a former recipient requests restoration after the effective date of discontinuance, the county shall determine the AU's eligibility and grant amount based on the information provided at the time of request for restoration. Beginning date of aid rules will apply (see Section 44-317). The AU may be assigned to the previous SAR cycle or a new SAR cycle based on the date cash aid is restored; however the SAR cycle must remain aligned with the redetermination and recertification date.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; Section 11349, Government Code; Sections 10553, 10554, 10604, 11008, 11023.5, 11056, 11102, 11265.1, 11265.2, 11450.12, and 11451.5, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-128 to read:

40-128 APPLICANT'S STATEMENT OF FACTS

40-128

.1 Filing the Statement of Facts (Continued)

.12 Minor Parent Residing with Unaided Senior Parent(s).

- .121 The minor parent (see Section 44-133.51) who applies for aid while residing in the same household as his/her unaided senior parent(s) must report the income of his/her parent(s).

In addition to the SAWS 2, the minor parent shall submit a Senior Parent Statement of Facts (SAR 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the SAR 23 and for obtaining the necessary verification from the senior parent(s). The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination.

- .122 Failure to provide a complete SAR 23 (as defined in .121 above) shall result in the denial of aid to the minor parent and child in accordance with Section 40-105.1.

.13 Sponsored Non-Citizens

- .131 A sponsored non-citizen who applies for aid shall provide the County Welfare Department (CWD) with a statement of the ability of the sponsor to meet his/her needs. As a part of his/her application for aid on the form SAWS 2, the sponsored non-citizen shall submit a complete Form SAR 22 (Sponsor's Statement of Facts) to the CWD. The sponsored non-citizen is responsible for ensuring that the SAR 22 is complete.

- .132 Failure to provide a complete SAR 22 (as defined in .131 above) shall result in the denial of aid to the sponsored non-citizen. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.50(a)(1)(i)(A); 42 USC 602(a)(39); Family Support Action Transmittal 91-15 dated April 23, 1991; and Section 5053 of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

Amend Section 40-173 to read:

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING
APPLICANTS AND RECIPIENTS

40-173

Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payments to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are:

- .1 Notice of County Action Granting Aid, Changing the Amount of the Grant, Changing the Recipient's Status or Not Changing the Amount of the Grant Following the Submittal of a Recipient Mid-Period Report.

Use appropriate Notice of Action form. Use appropriate Notice of Action form to report county action authorizing a supplemental grant or changing status from a cash grant to MN. (See Section 40-183.) (Continued)

- .8 Notification of Income Reporting Threshold (IRT)

(SAR) Counties must inform each AU in writing of their individual IRT at least once per SAR Payment Period. Informing shall also occur when the AU or family MAP size changes, when there is a change of persons who are required to report income, when the amount of income used to calculate the grant changes, at redetermination, when the federal poverty levels are updated, upon recipient request and any other time the AU's IRT amount changes. The informing notice shall include:

(AR/CO) Counties must inform each AU in writing of their individual IRT at least once per AR/CO Payment Period. Informing shall also occur when the AU or family MAP size changes, when there is a change of persons who are required to report income, when the amount of income used to calculate the grant changes, when the federal poverty levels are updated, upon recipient request and any other time the AU's IRT amount changes. The informing notice shall include:

- .81 The requirement to report the receipt of gross monthly income that exceeds the IRT;
- .82 The dollar amount of the IRT for the AU; and
- .83 The consequences of failing to report.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: . Sections 10553, 10554, 10613, 11209, 11265.3, 11500(b), 11502(a) and (b), and 11511(a), Welfare and Institutions Code; 45 CFR 250.20; 45 CFR 250.40(b); 45 CFR 255.1; 45 CFR 256.1(b); 45 CFR 256.2(b)(1); 45 CFR 256.4(c); and Administration for Children and Families-Action Transmittal-91-1, dated June 16, 1992; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

Amend Section 40-181 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 General County Responsibility

(SAR) (a) The county paying aid shall be responsible for continuing to determine eligibility to ensure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and also by the SAR 7, and by recipient mid-period reports (see Sections 44-316(SAR) and 82-832.3(SAR)).

(AR/CO) The county paying aid shall be responsible for continuing to determine eligibility to ensure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For CalWORKs cases, eligibility shall be established by the use of the SAWS 2 at the time of application and then at one-year intervals, and by recipient mid-period reports (see Sections 44-316(AR/CO) and 82-832.3(AR/CO)).

(SAR) (1) Eligibility regarding deprivation, household/AU composition, property, and the transfer of assets for less than fair market value shall only be determined on a semi-annual basis based on the information reported on the SAR 7 or the SAWS 2. The county shall compare the information reported on the SAR 7 or the SAWS 2 with any mid-period recipient reports for accuracy. (See Sections 44-316(SAR) and 82-832.3(SAR)).

(AR/CO) Eligibility regarding deprivation, property, and the transfer of assets for less than fair market value shall only be determined on an annual basis based on the information reported on the SAWS 2. The county shall compare the information reported on the SAWS 2 with any mid-period recipient reports for accuracy (See Section 44-316(AR/CO)).

(SAR) (2) The SAR 7 only asks for the recipient to report any changes since he or she last reported in regards to property, deprivation, and household/AU composition. If a recipient reports on the SAR 7 that there have been no changes since they last reported, the information on the last verified report (the SAWS 2 or any verified mid-period report) shall be used to determine continuing eligibility.

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(SAR) (3) Example: A recipient is in a March through August SAR Payment Period. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" informing them that property is only evaluated once per SAR Payment Period. On the July SAR 7 submitted in August, the recipient reports that there have been no changes to their property since they last reported. The county discontinues the AU at the end of the SAR Payment Period for being over the property limit.

(AR/CO) Example: A recipient has a redetermination due in August. They make a voluntary mid-period report in April that they received an inheritance in the amount of \$5,000 and provide verification. The county sends the recipient a "no-change NOA" and does not take action until the annual redetermination in August.

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(b) (Continued)

(SAR) (d) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(SAR).

(AR/CO) Additional determinations shall be made as necessary if unexpected changes in income or other circumstances occur which affect the eligibility or grant level of the recipient in accordance with Section 44-316(AR/CO).

(e) Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:

(SAR) (1) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(SAR) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

(AR/CO) Give applicants and recipients at the time of application and at least once every 12 months thereafter complete explanations in writing regarding

factors which may cause ineligibility, underpayments or overpayments, penalties due to an IPV, and their responsibility to report changes as prescribed by Section 40-105.14(AR/CO) (Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the SAWS 2A in CalWORKs. These requirements are met by the use of the KG 2A in Kin-GAP. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

- (SAR) (2) In CalWORKs, the semi-annual redetermination of eligibility shall follow the procedures described in Section 40-181.1(a). This requirement is met by the use of the SAR 7 or the SAWS 2. The SAR 7 and SAWS 2 shall be carefully checked each semi-annual period upon receipt so that correct grant computations are made. Special care should be taken to correct grant adjustments for overpayments when income/resources change.

(3) (Continued)

- (SAR) (g) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 or SAR 7 eligibility redetermination forms. (See Section 40-181.216(SAR) for information on good cause determinations for failing to complete the annual redetermination timely and Section 40-181.23(SAR) for information on good cause determinations for failure to submit a complete SAR 7 timely.)

(AR/CO) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes that are required to be reported within ten calendar days of the change or prevents the prompt return of the SAWS 2 eligibility redetermination form. (See Section 40-181.216—for information on good cause determinations for failing to complete the annual redetermination timely.

(h) (Continued)

.2 Periodic Determination of Eligibility

- .21 A redetermination of all circumstances of the recipient subject to change shall be completed at least once every twelve (12) months. The applicant/recipient shall complete the appropriate Statement of Facts at the time of application and at least once every 12 months after determination of eligibility. At the time of the annual redetermination and completion of the appropriate Statement of Facts, each recipient shall be either given or mailed informational material required by CDSS. (Continued)

(SAR) .212 The annual redetermination must be completed in the sixth month of the second Semi-Annual Payment Period of every year (six months after the SAR 7 is submitted). Because the redetermination acts as the second income eligibility report, a complete SAWS 2 must be received by the 15th day of the month in which it is due in order to allow sufficient time to determine benefit amounts and issue timely notice for the following Semi-Annual Payment Period. (Continued)

.213 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The Statement of Facts shall be due once a year, in the same month of each year, unless the redetermination date needs to be changed in order to align it with the CalFresh recertification date.

.214 Late Redeterminations

- (a) When the redetermination of eligibility (SAWS 2) is not received by the 15th day of the month in which it is due, the county shall send the appropriate discontinuance notice.
- (b) In addition to the notice of discontinuance, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a redetermination must be completed no later than the last day of the month in which it is due.
- (c) The CWD shall document in the case file how and when the contact was attempted or made.
- (d) If the recipient submits a completed SAWS 2 by close of business on the last day of the month in which it was due, the county shall rescind the discontinuance and determine eligibility and grant amount pursuant to 40-181.215 and 44-315.

.215 Processing Late Redeterminations

- (a) If a redetermination is completed after the 15th but on or before the last day of the month, the county shall:
 - (1) Rescind the discontinuance action; and
 - (2) Determine eligibility based on the information reported on the SAWS 2.

- (b) If the recipient submits a complete SAWS 2 during the month following discontinuance, upon recipient request, the CWD shall determine whether the recipient had good cause for failure to complete the redetermination timely, in accordance with Section 40-181.216.

.216 Good Cause Determination for Failure to Complete a Redetermination Timely

A recipient may have good cause for not meeting the redetermination reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

- (a) A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative.
- (b) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the redetermination reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.21.
- (c) In lieu of a request, as required by (2) above, a county has the discretion to independently determine that one of the situations specified in (d) below exists.
- (d) Good cause exists in only the following situations:
 - (1) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.
 - (2) When the recipient's failure to submit a timely and complete report is directly attributable to county error.
 - (3) When the county finds other extenuating circumstances.
- (e) When the recipient has good cause for not reporting timely, the county shall rescind the discontinuance.

- (f) If the recipient is not found to have good cause for not reporting timely, the county shall determine eligibility based on applicant rules from the date that the complete SAWS 2 was submitted.
 - (g) If the SAWS 2 is received more than a month following discontinuance, it shall be treated as a request for restoration of aid and eligibility shall be determined based on applicant rules from the date the complete SAWS 2 was received. (See Section 40-125.9.)
- .217 For CalWORKs purposes, a redetermination is complete when all of the following requirements are met:
- (a) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAWS 2 together with the submitted evidence must be sufficient for the county to determine eligibility and grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include current earned, unearned, exempt, and nonexempt income and any reasonably anticipated changes to that income; and
 - (b) Evidence shall be submitted with the SAWS 2 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAWS 2 shall be promptly returned to the recipient; and
 - (c) The address along with other information provided on the SAWS 2 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and
 - (d) Information reported on the SAWS 2 must be consistent with other information which the county has verified to be accurate; and
 - (e) The SAWS 2 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so

specified is temporarily absent from the home (see Section 82-812); and

- (f) The redetermination interview has been completed; and
- (g) The SAWS 2 shall include the SAR 22 (Sponsors Statement of Facts, Income and Resources) when the recipient is a sponsored non-citizen; and
- (h) The SAWS 2 shall include the SAR 23 (Senior Parent Statement of Facts) when a minor parent lives with his/her senior parent (see Section 89-201.5).

.218 (Continued)

(SAR) .22 CalWORKs recipients shall, in addition to the annual completion of the SAWS 2, complete and return a SAR 7 to the county by the 5th calendar day of the SAR Submit Month in which a redetermination is not due, but not before the first calendar day of that month. SAR 7s not received by the 11th of the SAR Submit Month shall be considered late.

(SAR) .221 Late SAR 7s

(SAR) (a) When the SAR 7 is not received by the 11th day of the SAR Submit Month or the SAR 7 is received but is not complete in accordance with the completeness criteria specified in Section 40-181.241(SAR), the county shall send the appropriate discontinuance notice.

(SAR) (b) When a SAR 7 has not been received at the county after the notice of discontinuance has been sent, the county shall attempt to make a personal contact by a county worker with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a complete SAR 7 must be received by the county no later than the end of the first working day of the next SAR Payment Period.

(1) When the recipient cannot be personally contacted, a written reminder notice, which shall include language specified by CDSS, shall be mailed no later than five days prior to the last calendar day of the report month. Under no circumstances shall the reminder notice be mailed in the same envelope as the discontinuance notice required in Section 40-181.221(a).

- (c) The CWD shall document in the case file how and when the contact was attempted or made.
- (SAR) (d) If the recipient contacts the county on the first working day of the SAR Payment Period to report nonreceipt of his or her benefits, the county shall inform the recipient of a pending discontinuance due to nonreceipt of a complete SAR 7 and shall inform him/her that the discontinuance will be rescinded if a complete SAR 7 is received by the end of that day.
- (SAR) (e) If the recipient turns in an incomplete SAR 7 to the county on or before the first working day of the next SAR Payment Period, the county shall attempt to make a personal contact with the recipient, either by phone or by mail, to inform them that their SAR 7 is still not complete and that the discontinuance still stands.
- (SAR) (f) The county shall not take action to notify the Local Child Support Agency or any affected employment or training program of a SAR 7 related discontinuance until after the first working day of the next SAR Payment Period.
- (SAR) .222 Processing Late SAR 7s
 - (SAR) (a) If a complete SAR 7 is received after the 11th but on or before the first working day of the next SAR Payment Period, the county shall:
 - (SAR) (1) Rescind the discontinuance action; and
 - (SAR) (2) Determine eligibility based on the information reported on the SAR 7.
 - (b) Upon the request of the recipient, the CWD shall determine whether the recipient had good cause for failure to submit a timely report of earnings in accordance with Section 40-181.23
 - (SAR) (c) If a complete SAR 7 is received after the first working day of the next SAR Payment Period, but during the month following discontinuance for non-submittal of a complete SAR 7, eligibility and benefits shall be determined as described in Section 40-125.943(SAR).
- (SAR) .223 In family reunification cases, as defined in Section 80-301(r)(4), the parents are not required to submit a semi-annual eligibility report as long as the reunification plan remains in place.

(SAR) .23 Good Cause Determination for Failure to Submit a Complete SAR 7 Timely

(SAR) A recipient may have good cause for not meeting the semi-annual reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

(SAR) .231 A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative unless a good cause determination is required in accordance with Section 40-125.94(SAR) (Restoration in the Calendar Month Following a SAR 7 Discontinuance).

(SAR) (a) A request is defined as any clear expression to the county, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the semi-annual reporting requirements. A request for a State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.22(SAR).
(Continued)

(SAR) .24 Criteria for Evaluating Information Reported on the SAR 7

(SAR) .241 For CalWORKs purposes, a SAR 7 is complete when all the following requirements are met:

(SAR) (a) The date the SAR 7 is signed shall be no earlier than the first day of the SAR Submit Month.

(SAR) (1) This requirement is met when the date entered on the SAR 7 by the recipient, together with other dated material provided with the SAR 7 and the date on which the county mailed or gave the SAR 7 to the recipient, clearly establishes that the SAR 7 was signed no earlier than the first day of the SAR Submit Month.

(SAR) (b) The address along with other information provided on the SAR 7 shall be sufficient for county administrative purposes, including the ability to locate the recipient; and

(SAR) (c) The SAR 7 shall be signed under penalty of perjury by each natural or adoptive parent or aided spouse of a parent or other caretaker relative living in the home, unless an individual so specified is temporarily absent from the home (see Section 82-812); and

(d) (Reserved)

- (SAR) (e) The response to all questions pertaining to CalWORKs eligibility and grant amount shall provide the county with information sufficient to answer the question. The information provided on the SAR 7 together with the submitted evidence must be sufficient for the county to determine eligibility and/or grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the AU. Reported income shall include earned, unearned, exempt, and nonexempt income received during the SAR Data Month and any reasonably anticipated changes to this income during the next SAR Payment Period; and
- (SAR) (f) Evidence shall be submitted with the SAR 7 to verify the gross amount of all earned income received and the date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Documents and records submitted with the SAR 7 shall be promptly returned to the recipient; and
- (SAR) (g) Information reported on the SAR 7 must be consistent with other information which the county has verified to be accurate, including any verified mid-period reports; and
- (SAR) (h) The SAR 7 shall include form SAR 72 (as defined in Section 40-181.25(SAR)) when the recipient is a sponsored non-citizen.
- (SAR) (i) The Senior Parent Semi-Annual Income Report (SAR 73) shall be submitted with the SAR 7 when a minor parent lives with his/her senior parent (see Section 89-201.5). The completeness of the SAR 73 shall be determined using the criteria for evaluating the completeness of the SAR 7.

.242 (Continued)

- (SAR) .244 Failure to provide the information or evidence specified in Section 40-181.243 shall result in the disallowance of the deduction. Failure to provide the information on the form or to provide the evidence shall not, in and of itself, render the SAR 7 incomplete as defined in Section 40-181.241(SAR).

.25 Sponsored Non-Citizen Reporting.

(SAR) In addition to the Semi-Annual Eligibility Report (SAR 7), the recipient who is a sponsored non-citizen as defined in Section 43-119 shall report the income and resources of the sponsor.

.251 Reporting of the sponsor's income and resources.

(SAR). The recipient shall submit a completed Sponsors Semi-Annual Income and Resources Report (SAR 72) to the county. The recipient is responsible for obtaining all information necessary to complete the SAR 72 and for obtaining any cooperation necessary from the sponsor.

(SAR) .252 The SAR 72 shall be due by the 5th calendar day of the SAR Submit Month but not before the first calendar day of the next SAR Submit Month. When the county has not received the completed SAR 72 by the 11th calendar day of the SAR Submit Month, the recipient has not met the requirement for returning a complete SAR 7. See Section 40-181.22(SAR). The SAR 72 shall be considered complete if all the following requirements are met:

(SAR) (a) Dated no earlier than the first day of the SAR Submit Month; and
(Continued)

(SAR) (f) Evidence shall be submitted with the SAR 72 to establish the gross amount of income received by the sponsor, and the date of receipt. See Section 40-181.241(f)(SAR) for examples of acceptable evidence.

(SAR) .253 A complete SAR 7 includes form SAR 72 (as defined in Section 40-181.251(SAR)) when a member of the AU is a sponsored non-citizen. The failure to provide a completed SAR 72 on or before the 1st calendar day of the next SAR Payment Period shall result in discontinuance for those members of the AU who are sponsored non-citizens.

(SAR) .26 Failure to report or verify the receipt of a child/spousal support disregard payment issued under Section 82-520.2 will not result in an incomplete SAR 7 nor in termination of aid.

.3 Methods of Periodic Determination of Eligibility

.31 Regulations governing the method of the initial determination also govern all continuing and periodic determinations. (See Sections 40-157 and 40-161.)
(Continued)

(SAR) .312 Semi-Annual redeterminations using the SAR 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

(AR/CO) Special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

(SAR) .32 The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts and SAR 7(s), together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

(AR/CO) The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the appropriate Statement of Facts, together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

.33 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-188 to read:

40-188 TRANSFER PROCEDURE

40-188

.1 First County

The first county shall: (Continued)

(SAR) .14 Determine Eligibility

Determine continuing eligibility and amount of cash aid from the most recent Semi-Annual Eligibility Report (SAR 7 or SAWS 2) due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the SAR Payment Period in which the transfer period ends.

(AR/CO)

Determine continuing eligibility and amount of cash aid from the most recent Statement of Facts (SAWS 2) during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the AR/CO Payment Period in which the transfer period ends. (Continued)

Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10605, and 11265.1, Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-190 to read:

40-190 COUNTY RESPONSIBILITY (Continued)

40-190

.2 Payment Responsibility There shall be no interruption nor overlap in payment of aid when a recipient moves from one county to another county.

.21 Semi-Annual Reporting Cycle The second county shall establish the recipient's semi-annual reporting cycle which may differ from the first county's semi-annual reporting cycle, but must remain aligned with the CalFresh recertification date. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11004, and 11265.1, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 41-405 to read:

41-405 TERMINATION OF DEPRIVATION

41-405

.1 When a basis for deprivation ceases, and the family remains in need, the county shall determine if any other basis for deprivation exists.

(SAR) .11 When a basis for deprivation ceases mid-period, the county shall not take mid-period action based on changes in deprivation. Any change in deprivation shall be reported on the SAR 7 or the SAWS 2 and any change in eligibility or grant amount that results from the change in deprivation shall be effective the first day of the next SAR Payment Period.

(AR/CO) When a basis for deprivation ceases mid-period, the county shall not take mid-period action based on changes in deprivation, with the exception of changes in deprivation due to changes in household composition (see Section 41-405.111). Any change in deprivation, outside of changes in household composition, shall be reported on the SAWS 2 and any change in eligibility or grant amount that results from the change in deprivation, outside of changes in household composition, shall be effective the first day of the next AR/CO Payment Period.

(AR/CO).111 The county shall take action based on a change in deprivation due to changes in household composition. Any change in eligibility or grant amount that results from the change in deprivation, due to changes in household composition, shall be determined pursuant to Section 44-316.325(AR/CO).

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.2, 11265.47, 11265.48, and 11450.5, Welfare and Institutions Code.

Amend Section 42-209 to read:

42-209 DIFFERENTIATION OF PROPERTY AND INCOME

42-209

- .1 Some payments may be considered property, income, or a combination of both. For the differentiation of such payments, see Section 44-105.
- .2 Nonrecurring lump sum payments, which are not recurring regular income and usually nonrecurring in regard to amount and/or source, shall be treated as property in the month of receipt and any subsequent months.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

Amend Section 42-213 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED

.1 Real Property to Be Excluded

.11 The following items are to be excluded in evaluating real property: (Continued)

(h) The separate and community shares of real property of the absent parent which are unavailable to the CalWORKs family or child (i.e., the family or child does not have possession or control of the property so that the property may be used to meet current needs). Such unavailable property is to be excluded in cases where the child is living apart from his/her parent or parents. The exclusion applies to a child in foster care regardless of whether his/her parents are maintaining a home together.

(SAR) (1) An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county shall only make a determination when the county receives information on the SAR 7 or SAWS 2 that there has been a change. If the county receives a voluntary mid-period report of such a change, this information will only be reevaluated when the following semi-annual report is processed.

(AR/CO) An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county shall only make a determination when the county receives information on the SAWS 2 that there has been a change. If the county receives a voluntary mid-period report of such a change, this information will only be reevaluated when the following annual report is processed.

(i) (Continued)

.12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than nine consecutive months. Any six-month period, which was the maximum period permitted by these regulations as they were effective prior to January 1, 1987, ending on or after December 31, 1986 may be extended to nine months at the recipient's request. (Continued)

(SAR) .127 If the nine month exemption period ends in the middle of a SAR Payment Period, and the property has not sold, the county must take mid-period action to discontinue the AU at the end of the month in which the exemption period ended, with timely and adequate notice (see Section 44-316.331(t)(SAR)).

(AR/CO) If the nine month exemption period ends in the middle of a AR/CO Payment Period and the property has not sold, the county must take mid-period action to discontinue the AU at the end of the month in which the exemption period ended, with timely and adequate notice (see Section 44-316.331(t)(AR/CO)).

.2 Personal Property and Vehicles to Be Excluded: The county shall determine personal property items and vehicles to be excluded in evaluating property in accordance with methods established under the CalFresh Program (see CalFresh regulations at Manual of Policies and Procedures Sections 63-501.3, .52, and .53) except as noted below. (Continued)

.23 Restricted accounts shall be excluded for CalWORKs recipients.

.231 Restricted Accounts (Continued)

(l) Applying the Period of Ineligibility

(SAR) When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month of the next SAR Payment Period following the reported nonqualifying withdrawal on the SAR 7 or SAWS 2 and continue for the determined number of months.

(AR/CO) When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month of the next AR/CO Payment Period following the reported nonqualifying withdrawal on the SAWS 2 and continue for the determined number of months.

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(m) Examples

(1) Example 1:

(SAR) An AU of three is in a January through June SAR Period.

Bank balance prior to May withdrawal:	\$5,000
Amount withdrawn from account:	\$4,500
Amount used to purchase home:	\$3,000
Amount used to buy furniture:	\$1,500

(AR/CO) An AU of three has a redetermination period of July - June

Bank balance prior to May withdrawal:	\$5,000
Amount withdrawn from account:	\$4,500
Amount used to purchase home:	\$3,000
Amount used to buy furniture:	\$1,500

(A) Since the AU used a portion of the withdrawal on a nonallowable expenditure, the county shall calculate a period of ineligibility as follows:

1. \$5,000 balance prior to withdrawal
-3,000 allowable expense for purchase of home
\$2,000 remainder
2. Divide the remainder (\$2,000) by MBSAC + special needs for an AU of three
(\$2,000 divided by \$1,200 = 1.66 months)
3. Round down the result to the nearest whole number (one month).
4. The AU is ineligible for one month. The AU shall be discontinued at the end of June. The AU can reapply for aid on August 1.

Example 2:

(SAR) An AU of two in region 1 is in a January through June SAR Period and has the following property:

\$ 100	checking account
+1000	restricted account
<u>+ 800</u>	savings account
\$ 1900	Total

(AR/CO) An AU of two in region 1 is in a January through December AR/CO Payment Period and has the following property:

\$ 100	checking account
+1000	restricted account
<u>+ 800</u>	savings account
\$ 1900	Total

(A) The AU wants to buy new furniture and withdraws all of their funds from their accounts, including the restricted account, to pay for the purchases in May. The county determines that the AU made a nonqualifying withdrawal.

(B) Although the AU's total property reserve prior to the nonqualifying withdrawal is under the \$2,000 property limit, the county will calculate a period of ineligibility as follows:

- | | |
|---|--------|
| 1. Balance prior to nonqualifying withdrawal in May | \$1000 |
| 2. Divide by MBSAC for 2 (\$968) | |
| 3. Result | 1.03 |
| 4. Round down to nearest whole number | 1 |
- For number of months of ineligibility

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(n) Shortening The Period of Ineligibility (Continued)

.4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:

.41 The usual home shall be exempt in determining an applicant's eligibility for CalWORKs and for three months following the end of the month in which aid begins. (Continued)

(SAR) .411 If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.

(AR/CO) If the exemption period ends mid-period, the county shall not act on the information during the AR/CO Payment Period. The usual home shall be used to determine eligibility for the AR/CO Payment Period following the AR/CO Payment Period in which the exemption period ended.

.42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.

(SAR) .421 If the exemption period ends mid-period, the county shall not act on the information during the SAR Payment Period. The usual home shall be used to determine eligibility for the SAR Payment Period following the SAR Payment Period in which the exemption period ended.

(AR/CO) If the exemption period ends mid-period, the county shall not act on the information during the AR/CO Payment Period. The usual home shall be used to determine eligibility for the AR/CO Payment Period following the AR/CO Payment Period in which the exemption period ended.

.43 (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11155.2, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.2, 11155.5, 11257, 11265.1, 11265.2, 11450, and 11450.5, Welfare and Institutions Code; Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; Public Laws 97-458, 98-64, and 103-286; and Federal Action Transmittal 91-23, 45 CFR 233.20(a)(3)(i)(B); Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 42-221 to read:

42-221 TRANSFER OF PROPERTY OR INCOME (Continued)

42-221

.5 Applying the Period of Ineligibility (POI)

.51 When the family has transferred property which results in a POI, cash aid shall be discontinued and the POI begin as follows:

(SAR) (a) The first month of the next SAR Payment Period following the transfer and shall continue for the determined number of months of ineligibility. Any aid received by the AU during the ineligible months of the SAR Period is an overpayment.

(AR/CO) The first month of the next AR/CO Payment Period following the transfer and shall continue for the determined number of months of ineligibility. Any aid received by the AU during the ineligible months of the AR/CO Payment Period is an overpayment.

(SAR) (b) When the transfer is discovered too late to discontinue for the first month of the SAR Payment Period, the POI shall begin the first of a month within that SAR Payment Period after timely and adequate notice is given. Any aid received by the AU during the ineligible month(s) of the current SAR Payment Period is an overpayment.

(AR/CO) When the transfer is discovered too late to discontinue for the first month of the AR/CO Payment Period, the POI shall begin the first of a month within that AR/CO Payment Period after timely and adequate notice is given. Any aid received by the AU during the ineligible month(s) of the current AR/CO Payment Period is an overpayment. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11157.5 (Ch. 270, Stats. of 1997 and Ch. 902, Stats. of 1998), 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

Amend Section 42-406 to read:

42-406 COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued) 42-406

.2 The response to the inquiry shall include, but is not limited to, the following: (Continued)

(SAR) .24 the completion and return of the SAR 3 or SAR 7, giving his or her current employment status, and all other factors normally used to compute the recipient's needs.

(AR/CO) the completion and return of the AR 3, giving his or her current employment status, and all other factors normally used to compute the recipient's needs.

.25 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11265.2, Welfare and Institutions Code.

Amend Section 42-407 to read:

42-407 EVIDENCE OF RESIDENCE INTENTION

42-407

.1 Applicant or Recipient Physically Present in State

The written statement of the applicant or recipient is acceptable proof to establish his or her intention of establishing residence unless the statement is inconsistent with the conduct of the person, with other information known to the county, or with other statements on the SAWS 2, SAR 7, or recipient mid-period reports.

.2 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11265.2, Welfare and Institutions Code; Senate Bill (SB) 991, Chapter 1285, Statutes of 1989; and WRL vs. McMahon, Case No. 268972 (Sacramento Superior Court), October 31, 1990.

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES (Continued)

42-716

.5 Grant-based OJT (Continued)

- .54 The CWD shall administer grant-based-OJT funded positions in a manner that minimizes any break in income received by the participant as a grant, or as a wage subsidized by the diverted grant and/or grant savings upon entry into, during, or upon exit from the assignment.

(SAR) .541 A grant-based OJT placement may begin mid-period. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued) 42-721

.4 Sanctions

.41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed. (Continued)

(SAR) .412 A financial sanction is a county-initiated mid-period change pursuant to Section 44-316.331(b)(SAR).

.42 (Continued)

.48 The CWD shall restore aid: (Continued)

(SAR) .483 Restoration of aid due to the noncomplying participant performing the activities he or she previously refused to perform, in accordance with Sections 42-721.43 and 44-318.13(SAR), is a county-initiated mid-period change pursuant to Section 44-316.331(c)(SAR). (Continued)

.49 The CWD shall grant aid:

.491 On the first day of the month following the date that the individual contacted the county to indicate his or her desire to end the sanction, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible.

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(SAR) (a) Example: An individual who was sanctioned and left aid with his family after failing to participate in vocational education contacts the CWD on July 1 to reapply for aid. His family is determined eligible for aid on July 5 and aid is granted to the family as of July 5; before aid can be granted for the sanctioned individual he must cure his sanction. The individual signs his curing plan on July 5, participates in a vocational education program for 30 days, and successfully cures his sanction on August 3. If the individual is otherwise eligible, his cash aid is granted back to August 1 as a county-initiated mid-period change pursuant to Section 44-316.331(c)(SAR).

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.5 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.3, 11320.31, 11322.85, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code

Amend Section 42-751 to read:

42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION 42-751
 AND ANCILLARY SUPPORT SERVICES (Continued)

.4 Collection of Overpayments (Continued)

(e) Reasonable efforts shall include written notification of the amount of the overpayment and that repayment is required. The following are reasonable cost-effective collection methods: (Continued)

(SAR) (4) Recoupment by grant adjustment shall be conducted in accordance with Section 44-352.41(SAR).

(f) (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10063, 11004(g), (h), (i), (k), and (l), 11265.2, and 11323.4(b), Welfare and Institutions Code.

Amend Section 44-769 to read:

42-769 APPLICATION OF BONUSES AND SANCTIONS (Continued) 42-769

.5 Treatment of Bonuses and Sanctions as County-Initiated Mid-Period Actions

Cal-Learn bonuses and sanctions are considered county-initiated mid-period actions as described in Section 44-316.33.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 11265.2, and 11333.7(a) and (d), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 45 CFR 250.40(a); Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project, March 1994, and Waiver Authority for the California Work Pays Demonstration Project as transmitted by the United States Department of Health and Human Services Administration for Children and Families letter dated March 1, 1994.

Amend Section 44-101 to read:

44-101 INCOME DEFINITIONS

44-101

(a)

(SAR) Income, generally, is any benefit in cash or in-kind which is reasonably anticipated to be available to the individual or is received by him/her as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies. To be considered in determining the cash aid payment, income must be reasonably anticipated to be available to needy members of the family in meeting their needs during the SAR Payment Period. Subject to this limitation and the exemptions and exclusions, as specified in Section 44-111 of this chapter, such benefits are taken into consideration as income in evaluating the need of the recipient and in determining the amount of cash aid to which the recipient is entitled.

(AR/CO) Income, generally, is any benefit in cash or in-kind which is reasonably anticipated to be available to the individual or is received by him/her as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies. To be considered in determining the cash aid payment, income must be reasonably anticipated to be available to needy members of the family in meeting their needs during the AR/CO Payment Period. Subject to this limitation and the exemptions and exclusions, as specified in Section 44-111 of this chapter, such benefits are taken into consideration as income in evaluating the need of the recipient and in determining the amount of cash aid to which the recipient is entitled.

(b) Separate and Community Income

(1) Separate income is: (Continued)

(D) Funds awarded a married person from his/her spouse in a civil action for personal injuries are considered that spouse's separate income during the month of receipt, and separate property if retained past the month of receipt. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2.

(2) Community income is: (Continued)

(C) Funds awarded a married person in a civil action for personal injuries are considered community income during the month of receipt and community property if retained past the month of receipt except as provided in Section 44-101(b)(1)(D), 42-203.5, and 42-205.3. If these funds are paid as a nonrecurring lump sum payment, then the funds shall be treated as property in accordance with Section 42-209.2.

(c) Reasonably Anticipated Income

(SAR) (1) Income is reasonably anticipated when the county determines it is reasonably certain that the recipient will receive a specified amount of monthly income during the SAR Payment Period. This definition applies to both earned and unearned income. See Section 44-315.31(SAR).

(AR/CO) Income is reasonably anticipated when the county determines it is reasonably certain that the recipient will receive a specified amount of monthly income during the AR/CO Payment Period. This definition applies to both earned and unearned income. See Section 44-315.31(AR/CO).

(d) (Continued)

(f) Disability-Based Unearned Income

(1) Disability-based unearned income is income received only from one or more of the following: (Continued)

(E) Veterans Disability Compensation benefits.

(g) (Continued)

(l) Lump Sum Income

Lump sum income is any income received by an AU which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, real estate commissions such as from sales, income from freelance work, net proceeds from sale of a crop and bonuses.

(SAR) (1) Lump sum nonrecurring payments are considered property under the semi-annual reporting system (see Section 42-209.2).

(AR/CO) Lump sum nonrecurring payments are considered property under the annual reporting system (see Section 42-209.2).

(m) Income Reporting Threshold (IRT)

(1) The level of income that triggers the need for a CalWORKs AU to report a mid-period change in income (see Section 44-316.324).

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11265.1, 11265.2, 11265.3, 11265.46, 11265.47, 11450.5, and 11451.5, Welfare and Institutions Code; Federal Action Transmittal ACF-AT-94-12; 45 CFR 233.20(a)(6)(iii); 45 CFR 233.20(a)(6)(v)(B); Sallis v. McMahon, Sacramento County Superior Court, case no. 364308, January 30, 1991 and 45 CFR 233.20(a)(3)(iv)(B) and (a)(4)(ii)(d).

Amend Section 44-102 to read:

44-102 AVAILABILITY OF INCOME

44-102

.1

(SAR) All reasonably anticipated income shall be considered to be available to meet the needs of the AU during the SAR Payment Period and shall be considered when determining eligibility and grant amount, except:

(AR/CO) All reasonably anticipated income shall be considered to be available to meet the needs of the AU during the AR/CO Payment Period and shall be considered when determining eligibility and grant amount, except:

.11 (Continued)

(SAR) .14 MONTHLY RECURRING UNEARNED GOVERNMENTAL BENEFITS -
Monthly benefits (e.g., Social Security benefits, or Veterans benefits, etc.) shall be considered to be available in the month the payment is reasonably anticipated to be received or is intended for (see Section 44-315.31(SAR)), when the income meets the following criteria:

(AR/CO) MONTHLY RECURRING UNEARNED GOVERNMENTAL BENEFITS -
Monthly benefits (e.g., Social Security benefits, or Veterans benefits, etc.) shall be considered to be available in the month the payment is reasonably anticipated to be received or is intended for (see Section 44-315.31(AR/CO)), when the income meets the following criteria:

.141 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11157 (Ch. 270, Stats. 1997), 11265.2, and 11450.5, Welfare and Institutions Code.

Amend Section 44-111 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

.2 Exemption of Earned Income (Continued)

.23 \$225/225 and 50% Disregards

.231 A family shall have \$225 of disability-based unearned income (DBI) and up to \$225 of any unused amount of the DBI disregard plus 50% of any remaining earned income disregarded as income. These disregards are applied as follows and subject to the method outlined in Section 44-113.2. If the disability-based unearned income is:

- (a) Greater than \$225, the difference is added to any other nonexempt income.
- (b) Less than \$225, up to \$225 of the remaining disregard is subtracted from any earned income.
- (c) Zero, \$225 is applied against any earned income. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42 and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6, 11322.6(f)(3), 11322.85, 11157, 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order)

Amend Section 44-113 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings

.21 Computation of Net Nonexempt Earned Income for CalWORKs

To determine the amount of Net Nonexempt Earned Income for the month, the following steps shall be taken:

(SAR) .211 Determine the total amount of commissions, wages or salary earned as an employee that the AU received in the Data Month and any reasonably anticipated (see Section 44-101(c)(1)(SAR)) changes to this income in the next SAR Payment Period (i.e., total income irrespective of expenses, voluntary or involuntary deductions). Also, the monetary value of any in-kind earned income per Section 44-115 shall be included. Do not include earnings exempted in entirety under Section 44-111.22.

(AR/CO) Determine the total amount of commissions, wages or salary earned as an employee that the AU received in the Data Month and any reasonably anticipated (see Section 44-101(c)(1)(AR/CO)) changes to this income in the next AR/CO Payment Period (i.e., total income irrespective of expenses, voluntary or involuntary deductions). Also, the monetary value of any in-kind earned income per Section 44-115 shall be included. Do not include earnings exempted in entirety under Section 44-111.22.

(SAR) .212 Determine the total monthly profit reasonably anticipated to be earned from self-employment by an applicant/recipient whose earnings are not exempted under Section 44-111.22 by offsetting the Data Month business expenses against the Data Month gross income from self-employment. When the computation of total profit earned in a month from self-employment disclosed shows that a loss has occurred, earned income from self-employment for that month shall be zero. No additional offset shall be allowed against the family's other income. Unless the recipient reasonably anticipates a change, use this income amount to calculate the grant for the upcoming SAR Payment Period.

(AR/CO) Determine the total monthly profit reasonably anticipated to be earned from self-employment by an applicant/recipient whose earnings are not exempted under Section 44-111.22 by offsetting the Data Month business expenses against the Data Month gross income from self-employment. When the computation of total profit earned in a month from self-employment disclosed shows that a loss has occurred, earned income from self-employment for that month shall be zero. No additional offset shall

be allowed against the family's other income. Unless the recipient reasonably anticipates a change, use this income amount to calculate the grant for the upcoming AR/CO Payment Period.

(a) (Continued)

(SAR) .213 Combine the total monthly earnings for the family determined in Section 44-113.211(SAR) with the monthly net self-employment income determined in Section 44-113.212(SAR).

(AR/CO) Combine the total monthly earnings for the family determined in Section 44-113.211(AR/CO) with the monthly net self-employment income determined in Section 44-113.212(AR/CO).

.214 (Continued)

(SAR) .215 Apply up to \$225 of the remainder of the \$225 disability-based unearned income disregard to the reasonably anticipated total monthly earned income for the family as determined in Section 44-113.213(SAR).

(AR/CO) Apply up to \$225 of the remainder of the \$225 disability-based unearned income disregard to the reasonably anticipated total monthly earned income for the family as determined in Section 44-113.213(AR/CO).

.216 (Continued)

.218 Add together the amounts remaining after application of the above sections for each recipient. This total is net nonexempt earned income for the FBU.

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(SAR) .22 Net Nonexempt Income Computation

Example 1

A nonexempt AU of three (a parent and two children) in Region 1 reports receiving gross monthly earned income of \$775 per month in the Data Month, and no other income. The Data Month income is reasonably anticipated to continue at the same amount for the SAR Payment Period.

\$ 775	Earned Income
<u>- 225</u>	\$225 Unused DBI Disregard
\$ 550	Subtotal
<u>- 275</u>	50% Earned Income Disregard*
\$ 275	Total Net Nonexempt Income*

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34.

(AR/CO) Net Nonexempt Income Computation

Example 1

A nonexempt AU of three (timed out mother and three children) in Region 1 reports receiving gross monthly earned income of \$775 per month in the Data Month, and no other income. The Data Month income is reasonably anticipated to continue at the same amount for the AR/CO Payment Period.

\$ 775	Earned Income
<u>- 225</u>	\$ 225 Unused DBI Disregard
\$ 550	Subtotal
<u>- 275</u>	50% Earned Income Disregard*
\$ 275	Total Net Nonexempt Income*

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34.

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.3 Net Income from Social Security, Railroad Retirement Benefits and Other Pensions

(SAR) .31 Net income from Social Security or from Railroad Retirement Benefits is the amount determined to be paid to or on behalf of a member of the assistance unit in the SAR Payment Period except:

(AR/CO) Net income from Social Security or from Railroad Retirement Benefits is the amount determined to be paid to or on behalf of a member of the assistance unit in the AR/CO Payment Period except:

.311 (Continued)

(SAR) .32 Net income from other types of pensions and similar sources is the amount reasonably anticipated for the SAR Payment Period or, if the individual is required to pay income tax on such income or has other required expenses in receiving such income, net income is the amount received less these expenses.

(AR/CO) Net income from other types of pensions and similar sources is the amount reasonably anticipated for the AR/CO Payment Period or, if the individual is required to pay income tax on such income or has other required expenses in receiving such income, net income is the amount received less these expenses.

.4 Unrelated Adults, Including Unrelated Adult Males, Living in the Home

.41 Net income to the Family Budget Unit (FBU) from an unrelated adult living in the home including an Unrelated Adult Male (UAM) is the sum of:

(SAR) .411 cash reasonably anticipated to be given to the AU in the SAR Payment Period which is available to meet the needs of the AU and:

(AR/CO) cash reasonably anticipated to be given to the AU in the AR/CO Payment Period which is available to meet the needs of the AU and:

(SAR) .412 the value of full items of need reasonably anticipated to be provided in-kind to the AU in the SAR Payment Period. An item is not considered to be provided in-kind to the AU if the AU is receiving this full item of need in exchange for the AU providing the UAM with a different item. For example, if a UAM and a CalWORKs mother agree that he will pay the rent if she pays their food and utilities, the AU is not receiving in-kind income for housing.

(AR/CO) the value of full items of need reasonably anticipated to be provided in-kind to the AU in the AR/CO Payment Period. An item is not considered to be provided in-kind to the AU if the AU is receiving this full item of need in exchange for the AU providing the UAM with a different item. For example, if a UAM and a CalWORKs mother agree that he will pay the rent if she pays their food and utilities, the AU is not receiving in-kind income for housing.

(SAR) .42 Cash that is reasonably anticipated to be given to the AU in the SAR Payment Period does not include:

(AR/CO) Cash that is reasonably anticipated to be given to the AU in the AR/CO Payment Period does not include:

.421 (Continued)

.5

(SAR) Child/spousal support which is reasonably anticipated to be paid during the SAR Payment Period to the AU by the absent parent and not forwarded to the county shall be considered available income except as specified in Section 44-111.47.

(AR/CO) Child/spousal support which is reasonably anticipated to be paid during the AR/CO Payment Period to the AU by the absent parent and not forwarded to the county shall be considered available income except as specified in Section 44-111.47.

.6 Refunds of Retirement Contributions

.61 Nonrecurring lump sum refunds of the employer's share of retirement contributions shall be treated as property (see Section 42-209.2). (Continued)

.62 Recurring interest earned on accumulated retirement contributions shall be treated as income in the month it is reasonably anticipated to be received. If the interest payment is nonrecurring, it shall be treated as property (see Section 42-209.2). (Continued)

.8 Income from Payments Which Include Compensation for Converted Property (see Section 44-105)

That portion of a payment defined in Section 44-105.3 which exceeds the value of the converted property and is recurring in nature is income. If that portion of the payment that is to be received is nonrecurring it shall be treated as property (see Section 42-209.2). (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10063, 10553, 10554, 10790, 10791, 11008, 11008.19, 11017, 11155.3, 11157, 11265.1, 11265.2, 11265.3, 11450, 11450.5, 11450.12, and 11451.5, 11453, Welfare and Institutions Code; 45 CFR 233.10; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(A); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 255.3; 45 CFR 233.20(a)(3)(iv)(B); 45 CFR 233.20(a)(3)(xxi); 45 CFR 233.20(a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p); Darces v. Woods (1984) 35 Cal. 3d 871; and Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.

Amend Section 44-115 to read:

44-115 EVALUATION OF INCOME IN-KIND (Continued)

44-115

.1 Free Board and Lodging Received During Temporary Absence from Home (Continued)

.12 Absence Exceeds One Month

(SAR) After an absence of one month, free board and lodging, i.e., food, shelter and utilities reasonably anticipated to be received during the SAR Payment Period, shall be considered income, but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he/she expects to return. (Welfare and Institutions Code Section 11009.1.)

(AR/CO) After an absence of one month, free board and lodging, i.e., food, shelter and utilities reasonably anticipated to be received during the AR/CO Payment Period, shall be considered income, but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he/she expects to return. (Welfare and Institutions Code Section 11009.1.)

.2 Nonneedy Relatives (Continued)

Authority cited: Sections 10553, 10554, 11450, 11452.018, and 11453, Welfare and Institutions Code.

Reference: Sections 11265.8, 11253.5, 11265.2, 11450, 11450.015, 11450.4(c), 11450.5, 11452, 11452.018, 11453, and 11486, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Amend Section 44-133 to read:

44-133 TREATMENT OF INCOME – CALWORKS (Continued)

44-133

.5 Income and Needs in Cases in Which a Person is Excluded (Continued)

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- .54 The following examples are provided to illustrate how to determine financial eligibility for the family in accordance with Sections 44-207.1 and .2 and the aid payment computation in accordance with Section 44-315.

(SAR) Example 1: Family with No Ineligible Non-Citizen Members

Applicant applies on behalf of herself and her two dependent children. Also living in the home is a stepparent and his separate child. Stepparent earns \$2,000 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU resides in Region 1 and is eligible for Exempt MAP.

Applicant Eligibility Determination:

\$2000	Earned Income
- 90	\$90 Earned Income Disregard
\$1,910	Net Nonexempt Earned Income
<u>\$+300</u>	Disability-Based Income (Not subject to \$225 Disregard at application)
\$2210	Total Net Nonexempt Income
\$1626	MBSAC for Five (Includes AU and Non-AU Family Members)

Family is ineligible for CalWORKs (Net Nonexempt Income exceeds the MBSAC for Five).

(AR/CO) Example 1: Family with No Ineligible Non-Citizen Members

Timed out applicant mother applies on behalf of her three dependent children. Also living in the home is a stepparent and his separate child. Stepparent earns \$2000 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU resides in Region 1 and is eligible for Exempt MAP.

Applicant Eligibility Determination:

\$2000	Earned Income
<u>- 90</u>	\$90 Earned Income Disregard
\$ 1910	Net Nonexempt Earned Income
<u>+\$300</u>	Disability-Based Income (Not subject to \$225 Disregard at application)
\$2210	Total Net Nonexempt Income
\$1626	MBSAC for Five (Includes AU and Non-AU Family Members)

Family is ineligible for CalWORKs (Net Nonexempt Income exceeds the MBSAC for Five).

(SAR) Example 2: Family with Ineligible Non-Citizen Members and Stepparent with No Income

Mother of two children has earnings of \$600 per month and the income is reasonably anticipated to continue at this amount for the SAR Payment Period. One of the children is her citizen child and the other is her ineligible non-citizen child with deprivation. Mother receives direct child support in the amount of \$85 per month for the ineligible non-citizen child. Also in the home is the ineligible non-citizen spouse of the mother. The spouse does not have any income. The family lives in Region 1 and does not have exempt status.

Applicant Eligibility Determination

\$ 600	Actual Earned Income of Mother
<u>- 90</u>	Applicant Earned Income Disregard
\$ 510	Subtotal
<u>+ 85</u>	Unearned Income of Ineligible Non-Citizen Child
\$ 595	Total Net Nonexempt Income
\$ 595	Total NNI is less than the \$1,424 Region 1 Nonexempt Family MBSAC for four, family passes applicant test.

Recipient Financial Eligibility Test

\$ 600	Monthly Earned Income of Mother
<u>- 225</u>	\$225 Unused DBI Disregard
\$ 375	Subtotal
<u>- 187</u>	50% Earned Income Disregard
\$ 187	Net Nonexempt Earned Income
<u>+ 85</u>	Unearned Income of Ineligible Non-Citizen Child
\$ 272	Total Net Nonexempt Income (rounded down)

\$ 272	Total NNI is less than \$800 Region 1, Nonexempt Family MAP for four, family passes recipient financial eligibility test
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Grant Computation

\$ 800	Region 1, Nonexempt Family MAP for Four
- 272	Total Net Nonexempt Income
\$ 528	Potential Grant
\$ 542	MAP for AU of Two (includes mother and citizen child)
\$ 528	Aid Payment is the Lesser of the Potential Grant or MAP for the AU

(AR/CO) Example 2: Family with Ineligible Non-Citizen Members and Stepparent with No Income

Timed out mother of three children has earnings of \$600 per month and the income is reasonably anticipated to continue at this amount for the AR/CO Payment Period. Two of the children are her citizen children and the other is her ineligible non-citizen child with deprivation. Mother receives direct child support in the amount of \$85 per month for the ineligible non-citizen child. Also in the home is the ineligible non-citizen spouse of the mother. The spouse does not have any income. The family lives in Region 1 and does not have exempt status.

Applicant Eligibility Determination

\$ 600	Actual Earned Income of Mother
- 90	Applicant Earned Income Disregard
\$ 510	Subtotal
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 595	Total Net Nonexempt Income
\$ 595	Total NNI is less than the \$1,424 Region 1 Nonexempt Family MBSAC for four, family passes applicant test.

Recipient Financial Eligibility Test

\$ 600	Monthly Earned Income of Mother
- 225	\$225 Unused DBI Disregard
\$ 375	Subtotal
- 187	50% Earned Income Disregard
\$ 187	Net Nonexempt Earned Income
+ 85	Unearned Income of Ineligible Non-Citizen Child
\$ 272	Total Net Nonexempt Income (rounded down)

\$ 272	Total NNI is less than \$800 Region 1, Nonexempt Family MAP for four, family passes recipient financial eligibility test
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Grant Computation

\$ 800	Region 1, Nonexempt Family MAP for Four
<u>- 272</u>	Total Net Nonexempt Income
\$ 528	Potential Grant

\$ 542	MAP for AU of Two (includes two citizen children)
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\$ 528	Aid Payment is the Lesser of the Potential Grant or MAP for the AU
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(SAR) Example 3: Family with Ineligible Non-Citizen AU Members and Stepparent with Income and Excluded Dependents

Recipient mother receives aid for herself and one child. The mother has earnings of \$600 per month that is reasonably anticipated to continue at the same amount during the SAR Payment Period. Also living in the home are: 1) the ineligible non-citizen spouse of the aided parent; 2) the aided mother's ineligible non-citizen child in common with no deprivation; 3) the aided mother's citizen child in common who has no deprivation; and 4) a separate ineligible non-citizen child of the spouse. The spouse has \$375 per month earned income that is reasonably anticipated to continue at the same level during the SAR Payment Period. The family is nonexempt and lives in Region 1.

Eligibility/Grant Computation

Step 1	\$ 975	Family's Monthly Earned Income
	<u>- 225</u>	\$225 Unused DBI Disregard
	\$ 750	Subtotal
	<u>- 375</u>	50% Earned Income Disregard*
	\$ 375	Net Earned Income

\$ 375	Total Family Net Nonexempt Income*
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Step 2	\$1021	Family MAP for Six (All excluded dependents of the stepparent are included, regardless of deprivation since the stepparent's income is used.)
	<u>- 375</u>	Total Family Net Nonexempt Income
	\$ 646	Potential Grant

Step 3 \$542	AU MAP for Two
\$646	Potential Grant
\$542	Aid Payment (lesser of AU MAP or potential grant)
* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34	

(AR/CO) Example 3: Family with Ineligible Non-citizen AU Members and Stepparent with Income and Excluded Dependents

Timed out mother receives aid for her two children. The mother has earnings of \$600 per month that is reasonably anticipated to continue at the same amount during the AR/CO Payment Period. Also living in the home are: 1) the ineligible non-citizen spouse of the unaided parent; 2) the unaided mother's ineligible non-citizen child in common with no deprivation; 3) the unaided mother's citizen child in common who has no deprivation; and 4) a separate ineligible non-citizen child of the spouse. The spouse has \$375 per month earned income that is reasonably anticipated to continue at the same level during the AR/CO Payment Period. The family is nonexempt and lives in Region 1.

Eligibility Grant Computation

Step 1 \$ 975	Family's Monthly Earned Income
<u>- 225</u>	\$225 Unused DBI Disregard
\$ 750	Subtotal
<u>- 375</u>	50% Earned Income Disregard*
\$ 375	Net Earned Income
\$ 375	Total Family Net Nonexempt Income*
Step 2 \$ 1021	Family MAP for Six (All excluded dependents of the stepparent are included, regardless of deprivation since the stepparent's income is used.)
<u>- 375</u>	Total Family Net Nonexempt Income
\$ 646	Potential Grant
Step 3 \$542	AU MAP for Two
\$646	Potential Grant
\$542	Aid Payment (lesser of AU MAP or potential grant)

*50% Earned Income Disregard and Net
Nonexempt Income must be rounded down to the
nearest dollar amount: MPP Section 44-315.34

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.55 (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11017, 11254, 11320.15, 11450, 11450.025, 11451.5, 11452, 11453, 11454, 11454.2, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631; and 42 U.S.C. 602(a)(39).

Amend Section 44-205 to read:

44-205 ESTABLISHING THE AU

44-205

.1 Aid Based on Pregnancy (Continued)

.12 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". In addition to the pregnant woman, the family includes the following: (Continued)

.122 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 82-832.13.

(SAR) (a) The unaided father shall be added to the AU effective the first of the month following the month in which the birth was reported if adding him results in an increase to cash aid and all conditions of eligibility have been met and verification has been provided. If adding him results in a decrease, the father shall be added to the AU in the following SAR Payment Period, if all conditions of eligibility have been met and verification provided, pursuant to Section 44-318.16(SAR).

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 206.10(a)(1)(vii) and 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01, Sections 10553, 10554, 10604, 11265.1, 11265.2, 11265.3, 11327.5(c)(3), 11450(b) and 11450.5, Welfare and Institutions Code; and Simon v. McMahan, Stipulation for Dismissal and Order, April 21, 1989, Contra Costa Superior Court, No. 272468.

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811(a) and 42 716.813(a) shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility. (Continued)

(b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of determining CalWORKs financial eligibility as described in Section 44 207.11.

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(SAR) Example: Applicant applies for assistance for herself and her one dependent child. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 920	MBSAC for two
	Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

(AR/CO) Example: Timed out applicant applies for assistance for her two dependent children. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income

§ 920 MBSAC for two
Family passes the MBSAC test (MBSAC is greater
than Net Nonexempt Income)

See Section 44-207.2 for second step in the financial eligibility test
for applicants.

HANDBOOK ENDS HERE

.112 (Continued)

.2 The following financial eligibility test shall be applied to both applicant and recipient
cases.

.21 The AU is financially eligible as follows:

(SAR) .211 An AU is financially eligible for the SAR Payment Period if the family's
combined reasonably anticipated monthly net non-exempt income for the
SAR Payment Period, after the income and needs of the family are
considered (pursuant to Sections 44-133 and 44-315.3), is less than the
MAP for the AU.

(AR/CO).211 An AU is financially eligible for the AR/CO Payment Period if the
family's combined reasonably anticipated monthly net non-exempt income
for the AR/CO Payment Period, after the income and needs of the family
are considered (pursuant to Sections 44-133 and 44-315.3) is less than the
MAP for the AU.

(SAR) .212 A recipient AU will remain financially eligible during the SAR Payment
Period if the family's combined monthly net non-exempt income does not
exceed the family's MAP level for more than one month of the SAR
Payment Period in accordance with Section 44-316.324.

(AR/CO).212 A recipient AU will remain financially eligible during the AR/CO
Payment Period if the family's combined monthly net non-exempt income
does not exceed the family's MAP level for more than one month of the
AR/CO Payment Period in accordance with Section 44-316.324.

HANDBOOK BEGINS HERE

(SAR) Example:

Recipient receives aid for herself and her four children. Also living in the home is
the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month
from full-time employment. Mother receives \$300 per month in State Disability

Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
<u>- 225</u>	\$225 DBI Disregard
\$ 75	Net Nonexempt Disability-Based Unearned Income
\$1612	Gross Family Earned Income
<u>- 806</u>	50% Earned Income Disregard
\$ 806	Net Nonexempt Income
<u>+ 75</u>	Disability-Based Unearned Income
\$ 881	Total Net Nonexempt Income
\$1087	Exempt MAP for Six
<u>- 881</u>	Total Net Nonexempt Income
\$ 206	Potential Grant
\$ 969	Exempt MAP for AU of Five
\$ 206	Potential Grant
\$ 206	Aid Payment (Lower of Potential Grant and MAP for AU)

(AR/CO) Example:

Timed out recipient mother receives aid for her five children. Also living in the home is the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
<u>- 225</u>	\$225 DBI Disregard
\$ 75	Net Nonexempt Disability-Based Unearned Income
\$1612	Gross Family Earned Income
<u>- 806</u>	50% Earned Income Disregard
\$ 806	Net Nonexempt Earnings
<u>+ 75</u>	Disability-Based Unearned Income
\$ 881	Total Net Nonexempt Income
\$1087	Exempt MAP for Six
<u>- 881</u>	Total Net Nonexempt Income
\$ 206	Potential Grant

\$ 969	Exempt MAP for AU of Five
\$ 206	Potential Grant
\$ 206	Aid Payment (Lower of Potential Grant and MAP for AU)

HANDBOOK ENDS HERE

.22 (Continued)

(SAR) .23 Once financial eligibility is established for the SAR Payment Period, financial eligibility continues for the AU for the entire SAR Payment Period unless the family's income exceeds the IRT (see Section 44-316.324) and the family's reasonably anticipated, net non-exempt monthly income continues to exceed the MAP for the AU for more than one consecutive month.

(AR/CO) Once financial eligibility is established for the AR/CO Payment Period, financial eligibility continues for the AU for the entire AR/CO Payment Period unless the family's income exceeds the IRT (see Section 44-316.324) and the family's reasonably anticipated, net non-exempt monthly income continues to exceed the MAP for the AU for more than one consecutive month.

(SAR) .24 If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the SAR Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

(AR/CO) If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the AR/CO Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

.25 (Continued)

Authority cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS

44-211

.1 General

(SAR) .11 A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d) (SAR).

(AR/CO) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d) (AR/CO).

.12. (Continued)

.2 Recurring Special Needs

(SAR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(SAR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified every six months on the SAR 7 or the SAWS 2 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

(SAR) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

(AR/CO) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(AR/CO) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified at redetermination on the SAWS 2 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need may be resubstantiated more often considering the type of need and potential for change.

(AR/CO) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

.21 (Continued)

.6 Pregnancy Special Needs (Continued)

.63 Eligible Applicants

(SAR) .631 A pregnant woman with no eligible children who has applied for CalWORKs, is in her third trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Sections 44-316.312(d)(SAR) and 44-318.15(SAR)).

(SAR) .632 A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15 (SAR)).

(SAR) .633 A pregnant woman who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the semi-annual period in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-period, the pregnancy special need payment shall

be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(SAR) and 44-318.15 (SAR)).

(AR/CO) A pregnant mother who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the AR/CO Payment Period in which the child is expected to be born once required verification has been provided. When the birth of the child is reported mid-period, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.312(d)(AR/CO) and 44-318.15 (AR/CO)).

.64 Eligible Recipients

(SAR) .641 The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the semi-annual period in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(SAR), once required verification has been provided.

(AR/CO) The pregnancy special need payment for a pregnant teen mother who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the AR/CO Payment Period in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(AR/CO), once required verification has been provided.

.642 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(f) and (g), Welfare and Institutions Code.

Reference: Sections 11056, 11155.2(a), 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), (c), and (f), 11450(f)(2)(A)(i), 11450(f)(2)(B), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60; and 42 U.S.C.A., Section 606(b).

Amend Section 44-304 to read:

44-304 AID PAYMENT SCHEDULES (Continued)

44-304

.5 Standard Delivery Dates

.51 Semimonthly Delivery

The county shall deliver ongoing payments as follows when the county has selected semimonthly delivery:

(SAR) .511 First Warrant

The county shall place the first warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first day of each month of the SAR Payment Period unless the county received the completed SAR 7 after the tenth day prior to the end of the SAR Submit Month or if the annual redetermination is not completed by the 15th day of the month in which it is due.

(SAR)

If the completed SAR 7 is received after the tenth day prior to the end of the SAR Submit Month, but on or before the first day of the next SAR Payment Period, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next SAR Payment Period if possible, but no later than the tenth calendar day of the first month of the next SAR Payment Period.

(SAR)

If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next SAR Payment Period if possible, but no later than the tenth calendar day of the first month of the next SAR Payment Period.

(AR/CO) First Warrant

The county shall place the first warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by

the first day of each month of the AR/CO Payment Period unless the annual redetermination is not completed by the 15th day of the month in which it is due.

(AR/CO)

If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next AR/CO Payment Period if possible, but no later than the tenth calendar day of the first month of the next AR/CO Payment Period.

(SAR) .512 Second Warrant

The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by no later than the 15th calendar day of each month of the SAR Payment Period.

(AR/CO)

The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by no later than the 15th calendar day of each month of the AR/CO Payment Period.

(SAR) .52 Monthly Delivery

The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of each month of the SAR Payment Period unless the completed SAR 7 is received after the tenth day prior to the end of the QR Submit Month or if the annual redetermination is not completed by the 15th day of the month in which it is due.

(SAR)

If the completed SAR 7 is received after the tenth day prior to the end of the SAR Submit Month, but on or before the first day of the next SAR Payment Period, the county shall not delay the payment and shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be received by the first day of the first month of the next SAR Payment Period if possible, but not later

than the tenth day of the first month of the next SAR Payment Period.

(SAR)

If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next SAR Payment Period if possible, but no later than the tenth calendar day of the first month of the next SAR Payment Period.

(AR/CO)

The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the AR/CO Payment Period unless the annual redetermination is not completed by the 15th day of the month in which it is due.

(AR/CO)

If the annual redetermination is not completed by the 15th day of the month in which it is due, but on or before the last day of that month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the first month of the next AR/CO Payment Period if possible, but no later than the tenth calendar day of the first month of the next AR/CO Payment Period.

.53

(Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 10072, 10553, 10554, 11006.2, 11251.3, 11265.1, 11453.2, 11455 and 17012.5, Welfare and Institutions Code; 45 CFR 206.10(a)(6)(D); 45 CFR 233.23; 45 CFR 233.29(a)-(d); 45 CFR 233.31(b)(4); 45 CFR 233.32; and Balderas v. Woods Court Order; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-305 to read:

44-305 AID PAYMENTS – PAYEE AND DELIVERY (Continued)

44-305

.2 Alternate Payment System (Continued)

.23 Aid payments to CalWORKs families residing in counties with approved semimonthly alternate payment systems shall be made in two installments during the payment period as follows:

(SAR) .231 The county shall issue the first aid payment by mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first day of each month of the assigned SAR Payment Period, unless the county received the completed SAR 7 after the tenth day prior to the end of the assigned SAR Submit Month or the annual redetermination is not completed by the 15th day of the SAR Submit Month. If the SAR 7 is received after the tenth day prior to the end of the assigned SAR Submit Month or the annual redetermination is completed after the 15th day of the SAR Submit Month, but before benefits are discontinued, the county shall not delay the payment and shall issue the first aid payment in time to be available to the recipient by the first day of the next assigned SAR Payment Period if possible, but not later than the tenth day of the first month of the next assigned SAR Payment Period.

(AR/CO) The county shall issue the first aid payment by mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first day of each month of the assigned AR/CO Payment Period, unless the annual redetermination is not completed by the 15th day of the AR/CO Submit Month. If the annual redetermination is completed after the 15th day of the AR/CO Submit Month, but before benefits are discontinued, the county shall not delay the payment and shall issue the first aid payment in time to be available to the recipient by the first day of the next assigned AR/CO Payment Period if possible, but not later than the tenth day of the first month of the next assigned AR/CO Payment Period.

.232 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063(a), 11006.2, 11254, Welfare and Institutions Code; 45 CFR 233.29, 45 CFR 233.31(b)(4) and 45 CFR 233.32; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 44-313 to read:

44-313 BUDGETING METHODS FOR CalWORKs

44-313

(SAR) Budgeting is the activity used to compute the aid payments for a SAR Payment Period for which eligibility exists using net nonexempt income, (see Chapter 44-100) that is reasonably anticipated to be received in the SAR Payment Period. The budgeting method used is prospective budgeting.

(AR/CO) Budgeting is the activity used to compute the aid payments for an AR/CO Payment Period for which eligibility exists using net nonexempt income, (see Chapter 44-100) that is reasonably anticipated to be received in the AR/CO Payment Period. The budgeting method used is prospective budgeting.

Budgeting is an activity separate from the determination of eligibility. All eligibility factors, including income eligibility (see Section 44-207 and 44-316.324), are considered on a prospective basis.

.1 Prospective Budgeting

(SAR) .11 Prospective budgeting is the method of computing an aid payment for a SAR Payment Period using income that is reasonably anticipated to be received in that period (see Section 44-315.31(SAR)) except for those mid-period changes where actual income is used as specified in Section 44-316.311(SAR).

(AR/CO) Prospective budgeting is the method of computing an aid payment for an AR/CO Payment Period using income that is reasonably anticipated to be received in that period (see Section 44-315.31(AR/CO)) except for those mid-period changes where actual income is used as specified in Section 44-316.311(AR/CO).

(SAR) .111 Income from the SAR Data Month, anticipated changes in income from the SAR Data Month, and mid-period income changes as specified in Section 44-316(SAR) shall be considered when determining eligibility and cash aid for a SAR Payment Period. Documentation shall be entered in the case that explains how income was projected in determining cash aid calculations. Case narrative entries shall include, but are not limited to, the following:

(SAR) (a) Income the recipient reports that he/she received in the SAR Data Month.

(SAR) (b) Any changes in income from the Data Month that the recipient reasonably anticipates receiving in the SAR Payment Period as reported on the SAR 7 or annual redetermination.

(SAR) (c) Documentation of the reasons for not accepting the recipient's reasonably anticipated income if the information is questionable.

(SAR) (d) Other information used to determine what income will be used in the cash aid calculations (verifications, employers' statements, case history, etc.) if the recipient's reasonably anticipated income is not used.

(AR/CO) Income from the AR/CO Data Month, anticipated changes in income from the AR/CO Data Month, and mid-period income changes as specified in Section 44-316(AR/CO) shall be considered when determining eligibility and cash aid for an AR/CO Payment Period. Documentation shall be entered in the case that explains how income was projected in determining cash aid calculations. Case narrative entries shall include, but are not limited to, the following:

(AR/CO) (a) Income the recipient reports that he/she received in the AR/CO Data Month.

(AR/CO) (b) Any changes in income from the Data Month that the recipient reasonably anticipates receiving in the AR/CO Payment Period as reported mid-period or at annual redetermination.

(AR/CO) (c) Documentation of the reasons for not accepting the recipient's reasonably anticipated income if the information is questionable.

(AR/CO) (d) Other information used to determine what income will be used in the cash aid calculations (verifications, employers' statements, case history, etc.) if the recipient's reasonably anticipated income is not used.

.12 Prospective budgeting shall be used to compute:

(SAR) .121 The CalWORKs grant for each month in a SAR Payment Period.

(AR/CO) The CalWORKs grant for each month in an AR/CO Payment Period.

.2 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit

(SAR) .21 The income of a new person who is added to an existing AU shall be budgeted prospectively in accordance with Section 44-316.312(b)(SAR) for each month of the SAR Payment Period.

(AR/CO) The income of a new person who is added to an existing AU shall be budgeted prospectively in accordance with Section 44-316.325(a)(AR/CO) for each month of the AR/CO Payment Period.

.22 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.2, 11265.3, 11265.46, and 11450.5, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-315 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.3 Amount of Grant

The county shall calculate the amount of grant as follows:

(SAR) .31 Reasonably Anticipated
Monthly Income

The reasonably anticipated monthly income shall be used to determine cash aid for the SAR Payment Period.

(AR/CO) Reasonably Anticipated
Monthly Income

The reasonably anticipated monthly income shall be used to determine cash aid for the AR/CO Payment Period.

(SAR) .311

Income shall be considered to be reasonably anticipated if the county determines that:

(SAR) (a)

The income has been or will be approved or authorized within the next SAR Payment Period, or the household is otherwise reasonably certain that the income will be received within the SAR Payment Period; and

(SAR) (b)

The amount of the income is known; and

(SAR) (c)

The start date of the income is known.

(AR/CO).311

Income shall be considered to be reasonably anticipated if the county determines that:

(AR/CO) (a)

The income has been or will be approved or authorized within the next AR/CO Payment Period, or the household is otherwise reasonably certain that the income will be received within the AR/CO Payment Period;

(AR/CO) (b)

The amount of the income is known; and

(AR/CO) (c)

The start date of the income is known.

(SAR) .312

If necessary, the county may require the recipient to provide one or more months of the previous period's income when the county needs more information to

determine what income is reasonably anticipated for the next SAR Payment Period.

(AR/CO).312

If necessary, the county may require the recipient to provide one or more months of the previous period's income when the county needs more information to determine what income is reasonably anticipated for the next AR/CO Payment Period.

(SAR) .313

That portion of the AU's income which is uncertain or cannot be reasonably anticipated, in accordance with Section 44-101(c)(1)(SAR), will not be counted when determining income eligibility and cash aid.

(AR/CO).313

That portion of the AU's income which is uncertain or cannot be reasonably anticipated, in accordance with Section 44-101(c)(1)(AR/CO), will not be counted when determining income eligibility and cash aid.

(SAR) .314 Determine if Income Will Continue or Be Different

The county shall determine whether the reasonably anticipated monthly income is expected to be different from the income reported for the SAR Data Month for one or more months during the next SAR Payment Period or whether the monthly income reported for the SAR Data Month is expected to continue during the next SAR Payment Period.

(AR/CO).314 Determine if Income Will Continue or Be Different

The county shall determine whether the reasonably anticipated monthly income is expected to be different from the income reported for the AR/CO Data Month for one or more months during the next AR/CO Payment Period or whether the monthly income reported for the AR/CO Data Month is expected to continue during the next AR/CO Payment Period.

.315 Income Expected to Continue

(SAR) (a) Weekly/
Bi-Weekly
Payments

Under the following circumstances the county shall add weekly or bi-weekly (every other week) Data Month income amounts reported on the SAR 7 or the SAWS 2 and divide that total by the number

of pay periods in the Data Month to arrive at an average weekly or bi-weekly income amount to which the conversion factor (see Section 44-315.315(b)) shall be applied:

(SAR) (1) An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it does not anticipate any changes in income in the upcoming SAR Payment Period compared to the Data Month income actually reported on the SAR 7 or SAWS 2, and the county is in agreement with the AU's report of no change in income; or

(SAR) (2) An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming SAR Payment Period, but the county determines in its follow-up review that the AU's reasonably anticipated income in the next SAR Payment Period will not change from what was reported in the Data Month on the SAR 7 or SAWS 2; or

(SAR) (3) An AU reports on the SAR 7 or SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming SAR Payment Period and the new amount is known and the frequency of pay is anticipated to remain the same for the SAR Payment Period and the county is in agreement with the AU's report of the change in income.

(AR/CO) (a) Weekly/
 Bi-Weekly
 Payments Under the following circumstances the county shall add weekly or bi-weekly (every other week) Data Month income amounts reported on the SAWS 2 and divide that total by the number of pay periods in the Data Month to arrive at an average weekly or bi-weekly income amount to which the conversion factor (see Section 44-315.315(b)) shall be applied:

(AR/CO) (1) An AU reports on the SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it does not anticipate any changes in income in the upcoming AR/CO Payment Period compared to the Data Month income actually reported on the

SAWS 2, and the county is in agreement with the AU's report of no change in income; or

(AR/CO) (2)

An AU reports on the SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming AR/CO Payment Period, but the county determines in its follow-up review that the AU's reasonably anticipated income in the next AR/CO Payment Period will not change from what was reported in the Data Month on the SAWS 2; or

(AR/CO) (3)

An AU reports on SAWS 2 that it is paid on a weekly or bi-weekly basis and indicates that it anticipates changes in income in the upcoming AR/CO Payment Period and the new amount is known and the frequency of pay is anticipated to remain the same for the AR/CO Payment Period and the county is in agreement with the AU's report of the change in income.

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(SAR) Example 1: The recipient reports on the SAR 7 that four weekly paychecks were received in the following amounts: \$115, \$100, \$135, and \$95. The recipient also indicated on the SAR 7 that his/her income is not expected to change during the next SAR Payment Period compared to the income reported on the SAR 7. The county will add the four weeks of income together ($\$115 + \$100 + \$135 + \$95 = \$445$), divide by four ($\$445 / 4 = \111.25) and then factor the resultant amount by 4.33 ($\$111.25 \times 4.33 = \481.71) (use the appropriate conversion factor for the payment frequency) to arrive at the monthly income amount for the next SAR Payment Period. If five pay periods were reported in the Data Month on the SAR 7, the county will add each week together and divide by five and then factor the resultant amount by 4.33.

(AR/CO) Example 1: The recipient reports on the SAWS 2 that four weekly paychecks were received in the following amounts: \$115, \$100, \$135, and \$95. The recipient also indicated on the SAWS 2 that his/her income is not expected to change during the next AR/CO

Payment Period compared to the income reported on the SAWS 2. The county will add the four weeks of income together ($\$115 + \$100 + \$135 + \$95 = \$445$), divide by four ($\$445 / 4 = \111.25) and then factor the resultant amount by 4.33 ($\$111.25 \times 4.33 = \481.71) (use the appropriate conversion factor for the payment frequency) to arrive at the monthly income amount for the next AR/CO Payment Period. If five pay periods were reported in the Data Month on the SAWS 2, the county will add each week together and divide by five and then factor the resultant amount by 4.33.

(SAR) Example 2: A recipient indicates on the SAR 7 that weekly income of \$100 was received in the Data Month and explains on the SAR 7 that this income amount will not continue during the upcoming SAR Payment Period because the recipient hopes to get a new job soon but has no firm offer. Due to the speculative nature of the new job, the county determines that the income reported in the Data Month on the SAR 7 is reasonably anticipated to continue during the next SAR Payment Period. Therefore, the county would apply the conversion factor of 4.33 to the \$100 weekly amount to arrive at the monthly income amount of \$433 for the next SAR Payment Period. (In this example, because the \$100 weekly amount remains the same for each pay period, the step requiring that the weekly amounts be added together and divided by the number of pay periods is not necessary.)

(AR/CO) Example 2: A recipient indicates on the SAWS 2 that weekly income of \$100 was received in the Data Month and explains on the SAWS 2 that this income amount will not continue during the upcoming AR/CO Payment Period because the recipient hopes to get a new job soon but has no firm offer. Due to the speculative nature of the new job, the county determines that the income reported in the Data Month on the SAWS 2 is reasonably anticipated to continue during the next AR/CO Payment Period. Therefore, the county would apply the conversion factor of 4.33 to the \$100 weekly amount to arrive at the monthly income amount of \$433 for the next AR/CO Payment Period. (In this example, because

the \$100 weekly amount remains the same for each pay period, the step requiring that the weekly amounts be added together and divided by the number of pay periods is not necessary.)

(SAR) Example 3: The SAR Payment Period is January through June. A recipient indicates on the May SAR 7 that bi-weekly income of \$200 was received in the Data Month and explains on the SAR 7 that this income amount will increase to a bi-weekly amount of \$250 beginning in the Submit Month of June and will continue at that amount. The county agrees with the recipient's SAR 7 information and applies the 2.167 conversion factor to the \$250 bi-weekly amount to arrive at the monthly income amount of \$541.75 for the next SAR Payment Period. (In this example, because the \$250 bi-weekly amount remains the same for each pay period, the step requiring that the bi-weekly amounts be added together and divided by the number of pay periods is not necessary.)

(AR/CO) Example 3: The AR/CO Payment Period is July through June. A recipient indicates on the May SAWS 2 that bi-weekly income of \$200 was received in the Data Month and explains on the SAWS 2 that this income amount will increase to a bi-weekly amount of \$250 beginning in the Submit Month of June and will continue at that amount. The county agrees with the recipient's SAWS 2 information and applies the 2.167 conversion factor to the \$250 bi-weekly amount to arrive at the monthly income amount of \$541.75 for the next AR/CO Payment Period. (In this example, because the \$250 bi-weekly amount remains the same for each pay period, the step requiring that the bi-weekly amounts be added together and divided by the number of pay periods is not necessary.)

(SAR) Example 4: The SAR Payment Period is January through June. A recipient indicates on the June SAWS 2 that their current weekly income of \$150 will only continue through August, when their summer job will end. The county agrees with the recipient's SAWS 2 information and applies the 4.33 conversion factor to the \$150 weekly amount to arrive at the monthly income amount of \$649.50 for the months of July

and August. No income will be used for the months of September through December.

(AR/CO) Example 4: The AR/CO Payment Period is July through June. A recipient indicates on the June SAWS 2 that their current weekly income of \$150 will only continue through August, when their summer job will end. The recipient does not anticipate any other income for the remainder of the AR/CO Payment Period, including next summer. The county agrees with the recipient's SAWS 2 information and applies the 4.33 conversion factor to the \$150 weekly amount to arrive at the monthly income amount of \$649.50 for the months of July and August. No income will be used for the months of September through June.

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(b) The average weekly and bi-weekly amounts arrived at above shall be converted to a monthly amount by using a 4.33 conversion factor for weekly payments and a 2.167 conversion factor for payments received bi-weekly.

(SAR) (c) The conversion factors can only be used if weekly or bi-weekly payments are reasonably anticipated to continue throughout the SAR Payment Period.

(AR/CO) (c) The conversion factors can only be used if weekly or bi-weekly payments are reasonably anticipated to continue throughout the AR/CO Payment Period.

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(SAR) Example: The recipient reports on the SAR 7 that she is paid on a weekly basis except she only works three weeks in a month and indicates that this frequency of pay will remain the same throughout the next SAR Payment Period and will remain unchanged throughout the next SAR Payment Period. She is typically paid \$115, \$100, and \$135. The county will add the three weeks of income together ($\$115 + \$100 + \$135 = \350) to arrive at a reasonably anticipated monthly income for the next SAR Payment Period. Since income is not paid every

week of the SAR Payment Period, the conversion factor cannot be applied.

(AR/CO) Example:

The recipient reports on the SAWS 2 that she is paid on a weekly basis except she only works three weeks in a month and indicates that this frequency of pay will remain the same throughout the next AR/CO Payment Period and will remain unchanged throughout the next AR/CO Payment Period. She is typically paid \$115, \$100, and \$135. The county will add the three weeks of income together ($115+100+135=\$350$) to arrive at a reasonably anticipated monthly income for the next AR/CO Payment Period. Since income is not paid every week of the AR/CO Payment Period, the conversion factor cannot be applied.

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(SAR) (d)	Monthly/ Semi-Monthly Payments	For income that is received monthly or semi-monthly (two times a month) and is expected to continue, the county shall use the total monthly income amount reported on the SAR 7 or the SAWS 2 for the SAR Data Month to calculate cash aid for the next SAR Payment Period. The conversion factors shall not be used for income that is received monthly or semi-monthly.
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(AR/CO) (d)	Monthly/ Semi-Monthly Payments	For income that is received monthly or semi-monthly (two times a month) and is expected to continue, the county shall use the total monthly income amount reported on the SAWS 2 for the AR/CO Data Month to calculate cash aid for the next AR/CO Payment Period. The conversion factors shall not be used for income that is received monthly or semi-monthly.
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(SAR) Example:

The recipient reports on the SAWS 2 that monthly income of \$500 received in the SAR Data Month will continue for the SAR Payment Period. The county shall use the \$500 monthly income total to calculate cash aid.

(AR/CO) Example: The recipient reports on the SAWS 2 that monthly income of \$500 received in the AR/CO Data Month will continue for the AR/CO Payment Period. The county shall use the \$500 monthly income total to calculate cash aid.

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(SAR) .316 Income Expected to Change For income that is reasonably anticipated to change during the SAR Payment Period, the current monthly income amount shall be used to calculate the grant for the months in which it is reasonably anticipated to be received. When a change in income is reported, the new amount of income shall be used to calculate the grant for the months of the SAR Payment Period in which it is reasonably anticipated to be received.

(SAR) If this income is paid on a weekly or bi-weekly basis, the county shall convert the income into a monthly amount as described in Section 44-315.315(a)(SAR) to compute the reasonably anticipated income to use for each month of the SAR Payment Period.

(AR/CO) .316 Income Expected to Change For income that is reasonably anticipated to change during the AR/CO Payment Period, the current monthly income amount shall be used to calculate the grant for the months in which it is reasonably anticipated to be received. When a change in income is reported, the new amount of income shall be used to calculate the grant for the months of the AR/CO Payment Period in which it is reasonably anticipated to be received.

(AR/CO) If this income is paid on a weekly or bi-weekly basis, the county shall convert the income into a monthly amount as described in Section 44-315.315(a)(AR/CO) to compute the reasonably anticipated income to use for each month of the AR/CO Payment Period.

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(SAR) Example: A recipient is in a January through June SAR Payment Period. The recipient indicates on the June

SAR 7 that weekly income of \$100 per week was received in the SAR Data Month and that this income will increase to \$150 per week beginning in August.

The \$100 weekly income will be converted to a monthly amount ($\$100 \times 4.33 = \433) and used to determine the benefit amount for the month of July.

The \$150 weekly income will be converted to a monthly amount ($\$150 \times 4.33 = \649^*) and used to determine the benefit amount for the remaining months of the SAR Payment Period (August through December).

*50% Earned Income Disregard and Net non-exempt income must be rounded down to the nearest dollar amount per MPP Section 44-315.34.

(AR/CO) Example:

A recipient is in a July through June AR/CO Payment Period. The recipient indicates on the June SAWS 2 that weekly income of \$100 per week was received in the AR/CO Data Month and that this income will increase to \$150 per week beginning in August.

The \$100 weekly income will be converted to a monthly amount ($\$100 \times 4.33 = \433) and used to determine the benefit amount for the month of July.

The \$150 weekly income will be converted to a monthly amount ($\$150 \times 4.33 = \649^*) and used to determine the benefit amount for the remaining months of the AR/CO Payment Period (August through June).

*50% Earned Income Disregard and Net non-exempt income must be rounded down to the nearest dollar amount per MPP Section 44-315.34.

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(SAR) (a)	Income Expected to Fluctuate after Data Month	If an AU/household's monthly income fluctuates or they expect the income received in the Data Month to change in the upcoming SAR Payment Period, the CWD must attempt to find out the amount of income the AU/household reasonably expects to receive, in order to determine what income, if any, can be reasonably anticipated and used in the next SAR Payment Period's benefit calculation. Only that portion of income that the AU/household reasonably anticipates it will receive can be used in the benefit calculation.
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New income cannot be anticipated unless the AU/household is reasonably certain of the amount of income and the start date. If an AU/household reports that they expect their income to change or stop, but are uncertain of when or by how much, the CWD cannot reasonably anticipate this change. However, if the recipient states that the Data Month income is not typical, explains why, and lists an estimate of future income, barring any information to the contrary, the recipient's estimate of future income should be used. Additionally, if the recipient states that their income fluctuates so much that they can't anticipate any income, no income will be counted. If the CWD disagrees that the income is too unpredictable to anticipate, it must explore with the applicant or recipient what amount, if any, can be reasonably anticipated and document the basis for the amount used in the case narrative.

(AR/CO) (a)	Income Expected to Fluctuate after Data Month	If an AU/household's monthly income fluctuates or they expect the income received in the Data Month to change in the upcoming AR/CO Payment Period, the CWD must attempt to find out the amount of income the AU/household reasonably expects to receive, in order to determine what income, if any, can be reasonably anticipated and used in the next AR/CO Payment Period's benefit calculation. Only that portion of income that the AU/household reasonably anticipates it will receive can be used in the benefit calculation.
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New income cannot be anticipated unless the AU/household is reasonably certain of the amount of income and the start date. If an AU/household

reports that they expect their income to change or stop, but are uncertain of when or by how much, the CWD cannot reasonably anticipate this change. However, if the recipient states that the Data Month income is not typical, explains why, and lists an estimate of future income, barring any information to the contrary, the recipient's estimate of future income should be used. Additionally, if the recipient states that their income fluctuates so much that they can't anticipate any income, no income will be counted. If the CWD disagrees that the income is too unpredictable to anticipate, it must explore with the applicant or recipient what amount, if any, can be reasonably anticipated and document the basis for the amount used in the case narrative.

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(SAR) Example 1: Recipient provides a SAR 7 with four check stubs for the Data Month of varying amounts (\$50, \$150, \$75, and \$500). There were five weeks in that month, and for one week, he reports no earnings at all. He works on call and has no idea when he will be called in. The worker reviews the case and confirms that the recipient had periods of no income in the past. The worker then carefully documents the basis for being unable to reasonably anticipate *any* income, and budgets no income for the upcoming SAR Payment Period. The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary.

(SAR) Example 2: Using the same employment scenario as above, except that the recipient reports that he expects to earn at least \$150/month. The CWD shall accept this statement, unless there is a reason to find it questionable. The worker must document the basis for using the estimate or document the reason for using a different amount. (For example: Past earning history shows that the recipient has always earned at least that amount, and although there were periods of higher earnings, they were sporadic). The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary. The recipient

can also report mid-period if his income does not reach \$150 and the grant amount shall be supplemented, as necessary.

(AR/CO) Example 1: Recipient provides a SAWS 2 with four check stubs for the Data Month of varying amounts (\$50, \$150, \$75, and \$500). There were five weeks in that month, and for one week, he reports no earnings at all. He works on call and has no idea when he will be called in. The worker reviews the case and confirms that the recipient had periods of no income in the past. The worker then carefully documents the basis for being unable to reasonably anticipate any income, and budgets no income for the upcoming AR/CO Payment Period. The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary.

(AR/CO) Example 2: Using the same employment scenario as above, except that the recipient reports that he expects to earn at least \$150/month. The CWD shall accept this statement, unless there is a reason to find it questionable. The worker must document the basis for using the estimate or document the reason for using a different amount. (For example: Past earning history shows that the recipient has always earned at least that amount, and although there were periods of higher earnings, they were sporadic). The recipient must report income above the IRT in accordance with requirements, but any other mid-period income report is voluntary. The recipient can also report mid-period if his income does not reach \$150 and the grant amount shall be supplemented, as necessary.

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(SAR) .317	Determination of Aid Based on Mid-Period Changes	When a recipient mid-period report or a county initiated action changes the amount of cash aid, except as provided in Section 44-316.312(a)(3) (SAR), the county shall determine the grant amount by determining the monthly income that is reasonably anticipated for each remaining month of the SAR Payment Period. The county shall use the reasonably anticipated monthly income to calculate
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cash aid for the remaining months of the SAR Payment Period.

(AR/CO).317 Determination of Aid Based on Mid-Period Changes When a recipient mid-period report or a county initiated action changes the amount of cash aid, except as provided in Section 44-316.312(a)(3) (AR/CO), the county shall determine the grant amount by determining the monthly income that is reasonably anticipated for each remaining month of the AR/CO Payment Period. The county shall use the reasonably anticipated monthly income to calculate cash aid for the remaining months of the AR/CO Payment Period.

.32 "Family" MAP Determine the Maximum Aid Payment (MAP) for all family members whose needs are considered in the payment month. The MAP is set forth in Welfare and Institutions Code Section 11450.

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.321 MBSAC and MAP Levels***

(a) REGION 1 MBSAC/MAP STANDARDS

<u># in AU</u>	<u>MBSAC</u>	<u>EXEMPT MAP*</u>	<u>NONEXEMPT MAP*</u>
1	\$591	\$369	\$333
2	\$968	\$606	\$542
3	\$1,200	\$750	\$670
4	\$1,424	\$891	\$800
5	\$1,626	\$1,014	\$909
6	\$1,828	\$1,140	\$1,021
7	\$2,009	\$1,252	\$1,122
8	\$2,187	\$1,366	\$1,222
9	\$2,372	\$1,475	\$1,321
10 or more**	\$2,575	\$1,586	\$1,419

REGION 2 MBSAC/MAP STANDARDS

<u># in AU</u>	<u>MBSAC</u>	<u>EXEMPT MAP*</u>	<u>NONEXEMPT MAP*</u>
1	\$560	\$351	\$315
2	\$920	\$578	\$515
3	\$1,139	\$715	\$638
4	\$1,355	\$849	\$761
5	\$1,547	\$969	\$866
6	\$1,739	\$1,087	\$972
7	\$1,907	\$1,194	\$1,067
8	\$2,082	\$1,301	\$1,164
9	\$2,249	\$1,407	\$1,258
10 or more**	\$2,449	\$1,511	\$1,350

* See MPP Section 89-110.2 for definition of Exempt and Nonexempt AUs.

** For MBSAC add twenty two dollars (\$22) for each additional needy person.

*** MBSAC Levels effective 07/01/13, MAP Levels effective 03/01/14, MBSAC levels are subject to annual Cost of Living Adjustments. MAP levels are subject to change. (See Welfare and Institutions Code Sections 11450, 11452, and 11453.)

REGION 1 COUNTIES

Alameda Orange Santa Clara

Contra Costa San Diego Santa Cruz

Los Angeles San Francisco Solano

Marin	San Luis Obispo	Sonoma
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Monterey San Mateo Ventura

Napa Santa
Barbara

REGION 2 COUNTIES

Alpine Lake San
Bernardino

Amador Lassen San
Joaquin

Butte Madera Shasta

Calaveras Mariposa Sierra

Colusa Mendocino Siskiyou

Del Norte Merced Stanislaus

El Dorado Modoc Sutter

Fresno Mono Tehama

Glenn Nevada Trinity

Humboldt Placer Tulare

Imperial Plumas Tuolumne

Inyo Riverside Yolo

Kern Sacramento Yuba

Kings San Benito

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.33 Add Special (Continued)
Need Payment

.38	Actual Grant Amount	The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs for the AU only.
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.381

(Continued)

.39 Computation Examples

(SAR) Computation of monthly grant amount for the SAR Payment Period when the AU's income reported for the SAR Data Month is expected to continue for the upcoming SAR Payment Period.

Example 1:

A nonexempt family of four (a pregnant mom, stepfather (father of the unborn) and her two separate children) are in a July through December SAR Payment Period. The stepfather reports receiving gross earned income of \$775 in the Data Month of November. The AU has no other income and does not reasonably anticipate any changes in income for the upcoming SAR Payment Period. The family lives in Region 1.

\$ 775	Reasonably Anticipated Monthly Earned Income for the Family
<u>- 225</u>	\$225 Income Disregard
\$ 550	Subtotal
<u>- 275</u>	50% Earned Income Disregard*
\$ 275	Total Net Nonexempt Income*
\$ 800	"Family" MAP for Four (mother, stepfather and two children) Region 1
<u>+ 47</u>	Special Needs AU
\$ 847	Total (MAP plus special needs)
<u>- 275</u>	Net Nonexempt Income
\$ 572	Potential Grant
\$ 670	Nonexempt AU MAP for Three (Region 1)
<u>+ 47</u>	Special Needs for AU
\$ 717	Total MAP plus Special Needs
\$ 572	Actual Grant Amount (lesser of potential grant or AU MAP plus special needs)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

(AR/CO) Computation of monthly grant amount for the AR/CO Payment Period when the AU's income reported for the AR/CO Data Month is expected to continue for the upcoming AR/CO Payment Period.

Example 1:

A nonexempt family of four (timed-out mom, stepfather and her two separate children) are in a July through June AR/CO Payment Period. The stepfather reports receiving gross earned income of \$775 in the Data Month of June. The AU has no other income and does not reasonably anticipate any changes in income for the upcoming AR/CO Payment Period. The family lives in Region 1.

\$ 775	Reasonably Anticipated Monthly Earned Income for the Family
<u>- 225</u>	\$ 225 Income Disregard
\$ 550	Subtotal
<u>- 275</u>	50% Earned Income Disregard*
\$ 275	Total Net Nonexempt Income*
\$ 670	"Family" MAP for Three (stepfather and two children) Region 1
<u>+ 9</u>	Special Needs AU (Therapeutic Diet for one child)
\$ 679	Total (MAP plus special needs)
<u>- 275</u>	Net Nonexempt Income
\$ 404	Potential Grant
\$ 542	Nonexempt AU MAP for Two (Region 1)
<u>+ 9</u>	Special Needs for AU
\$ 551	Total MAP plus Special Needs
\$ 404	Actual Grant Amount (lesser of potential grant or AU MAP plus special needs)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

(SAR) Computation of monthly grant amount for a SAR Payment Period when the AU's income reported for the SAR Data Month is reasonably anticipated to differ for one or more months of the SAR Payment Period.

Example 2:

A Region 1 nonexempt AU of four is in the July through December SAR Payment Period. Mother completes her redetermination on December 15. On the SAWS 2, she reports that she started a part-time job in December that will only last until the end of January, when the holiday shopping season has ended. She reports that she will get paid \$900 in January and \$450 in February. One child is also receiving SSA disability benefits of \$100 per month based on an absent father's disability. SSA disability benefits are considered disability based unearned income (DBI).

Benefits for the January through July SAR Payment Period are computed based on the income the AU reasonably anticipates it will receive during that period as follows:

Benefits for January will be computed based on earned income of \$900 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard
\$ 900	Reasonably Anticipated Monthly Earned Income
<u>- 125</u>	Less remainder of \$225 Income Disregard
\$ 775	Subtotal
<u>- 387</u>	Less 50% Earned Income Disregard*
\$ 387	NNI*
\$ 800	MAP for AU of Four
<u>- 387</u>	Less NNI*
\$ 413	Monthly Grant for January

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

Benefits for February will be computed based on earned income of \$450 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard
\$ 450	Reasonably Anticipated Monthly Earned Income
<u>- 125</u>	Less remainder of \$225 Income Disregard
\$ 325	Subtotal
<u>- 162</u>	Less 50% Earned Income Disregard*
\$ 162	NNI*
\$ 800	MAP for AU of Four
<u>- 162</u>	Less NNI*
\$ 638	Monthly Grant for February

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

Benefits for March through June will be computed based on earned income of \$0 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 0	Reasonably Anticipated Monthly Earned Income
\$ 0	NNI
\$ 800	MAP for AU of Four
<u>- 0</u>	Less NNI
\$ 800	Monthly Grant for March through June

(AR/CO) Computation of monthly grant amount for an AR/CO Payment Period when the AU's income reported for the AR/CO Data Month is reasonably anticipated to differ for one or more months of the AR/CO Payment Period.

Example 2:

A Region 1 nonexempt child-only AU of four is in the January through December AR/CO Payment Period. Mother completes her redetermination on December 15. On the SAWS 2, she reports that she started a part-time job in December that will only last until the end of January, when the holiday shopping season has ended. She reports that she will get paid \$900 in January and \$450 in February. One child is also receiving SSA disability benefits of \$100 per month based on an absent father's disability. SSA disability benefits are considered disability based unearned income (DBI).

Benefits for the January through December AR/CO Payment Period are computed based on the income the AU reasonably anticipates it will receive during that period as follows:

Benefits for January will be computed based on earned income of \$900 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard

\$ 900	Reasonably Anticipated Monthly Earned Income
<u>- 125</u>	Less remainder of \$225 Income Disregard
\$ 775	Subtotal
<u>- 387</u>	Less 50% Earned Income Disregard*
\$ 387	NNI*
\$ 800	MAP for AU of Four
<u>- 387</u>	Less NNI*
\$ 413	Monthly Grant for January

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

Benefits for February will be computed based on earned income of \$450 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 125	Remainder of \$225 DBI Disregard
\$ 450	Reasonably Anticipated Monthly Earned Income
<u>- 125</u>	Less remainder of \$225 Income Disregard
\$ 325	Subtotal
<u>- 162</u>	Less 50% Earned Income Disregard*
\$ 162	NNI*
\$ 800	MAP for AU of Four
<u>- 162</u>	Less NNI*
\$ 638	Monthly Grant for February

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

Benefits for March through December will be computed based on earned income of \$0 and DBI of \$100 per month:

\$ 100	Reasonably Anticipated Monthly DBI Income
<u>- 225</u>	Less DBI Disregard
0	Net DBI Income
\$ 0	Reasonably Anticipated Monthly Earned Income
\$ 0	NNI

\$ 800	MAP for AU of Four
<u>- 0</u>	Less NNI
\$ 800	Monthly Grant for March through December

(SAR) Mid-Period Changes to Cash Aid

Example 3:

A Region 1 nonexempt AU of three (mother and two children) is in the October through March SAR Payment Period. On her previous SAWS 2 received in September, (SAR Data Month for the previous SAR Payment Period was August), mother reported her earned income to be \$600 and that she expected no changes for the next SAR Payment Period. The grant amount for the SAR Payment Period was calculated as follows:

\$ 600	Reasonably Anticipated Monthly Income for the Family
<u>- 225</u>	\$225 Earned Income Disregard
\$ 375	Subtotal
<u>- 187</u>	50% Earned Income Disregard*
\$ 187	Total Net Nonexempt Income*
\$ 670	Non-exempt MAP for Three, Region 1
<u>- 187</u>	Less Net Nonexempt Income*
\$ 483	AU Monthly Grant for the SAR Payment Period

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

On November 25, the mother voluntarily reports that the father moved into the home on November 12. The father is determined eligible and is reasonably anticipated to have monthly income of \$200 a month.

The Mid-Period Grant Calculation for the Remaining Months of the SAR Payment Period Would Be:

\$ 600	Existing AU's Previously Determined Reasonably Anticipated Monthly Earned Income
<u>+ 200</u>	Father's Reasonably Anticipated Earned Monthly Income
\$ 800	Total Net Nonexempt Income for the Potential AU
<u>- 225</u>	\$225 Earned Income Disregard
\$ 575	Subtotal
<u>- 287</u>	50% Earned Income Disregard*
\$ 287	Total Net Nonexempt Monthly Income*

\$ 800	Non-exempt MAP for Four, Region 1 (includes eligible father)
<u>- 287</u>	Less Net Nonexempt Income*
\$ 513	AU Monthly Grant Payment for the Remaining Months of the SAR Payment Period

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

Father is added to the existing AU effective December 1 since his addition to the AU will increase the cash aid. Because there is not time to increase the December grant, a supplement of \$30 is issued to the AU for December and the grant is increased to \$513 for the remaining months of the SAR Payment Period.

(AR/CO) Mid-Period Changes to Cash Aid

Example 3:

A Region 1 nonexempt AU of three (timed out mother and three children) is in the October through September AR/CO Payment Period. On her previous SAWS 2 received in September, (AR/CO Data Month for the previous AR/CO Payment Period was August), mother reported her earned income to be \$600 and that she expected no changes for the next AR/CO Payment Period. The grant amount for the AR/CO Payment Period was calculated as follows:

\$ 600	Reasonably Anticipated Monthly Income for the Family
<u>- 225</u>	\$225 Earned Income Disregard
\$ 375	Subtotal
<u>- 187</u>	50% Earned Income Disregard*
\$ 187	Total Net Nonexempt Income*

\$ 670	Non-exempt MAP for Three, Region 1
<u>- 187</u>	Less Net Nonexempt Income*
\$ 483	AU Monthly Grant for the AR/CO Payment Period

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

On November 25, the mother reports her monthly earned income has decreased to \$500 and she does not expect any changes for the remainder of the AR/CO Payment Period.

The Mid-Period Grant Calculation for the Remaining Months of the AR/CO Payment Period Would Be:

\$ 500	Reasonably Anticipated Monthly Income for the Family
- 225	\$225 Earned Income Disregard
\$ 275	Subtotal
- 137	50% Earned Income Disregard*
\$ 137	Total Net Nonexempt Income*
\$ 670	Non-exempt MAP for Three, Region 1
- 137	Less Net Nonexempt Income*
\$ 533	AU Monthly Grant Payment for the Remaining Months of the AR/CO Payment Period

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

The change in monthly grant will be effective December 1. Because there is not time to increase the December grant, a supplement of \$50 is issued to the AU for December and the grant is increased to \$533 for the remaining months of the AR/CO Payment Period.

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.4 Special Needs (Continued)

Authority cited: Sections 10553, 10554, 11209, 11450, 11450(g), 11450.018(a) and (b), 11452.018(a), and 11453, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10553, 10554, 11004, 11017, 11209, 11253.5(d) and (e), 11254, 11265.2, 11265.3, 11265.46, 11265.8(a), 11323.4, 11450, 11450(g), 11450.01, 11450.015, 11450.018(a) and (b), 11451.018(a), 11450.03, 11450.5, 11451.5, 11452, 11453, and 11453(a), Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 44-316 to read:

44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
GRANT DETERMINATIONS AND COUNTY ACTIONS

44-316

.1 Reserved

.2

(SAR) Prior to the end of each SAR Payment Period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant amount from the current SAR Payment Period and any known income changes in the next SAR Payment Period.

(AR/CO) Prior to the end of each AR/CO Payment Period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant amount from the current AR/CO Payment Period and any known income changes in the next AR/CO Payment Period.

(SAR) .21 For all CalWORKs recipients, such information shall be reported on the SAR 7 or the annual redetermination forms (SAWS 2). If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.214 and Section 40-181.22(SAR), then the recipient's grant will be terminated in accordance with Section 22-072.

(AR/CO) .21 For all CalWORKs recipients, such information shall be reported on the annual redetermination forms (SAWS 2). If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.214, then the recipient's grant will be terminated in accordance with Section 22-072.

(SAR) .22 The county shall use the SAR 7 or SAWS 2 to determine continued eligibility as specified in Section 40-181.

(AR/CO) .22 The county shall use the SAWS 2 to determine continued eligibility as specified in Section 40-181.

(SAR) .23 Additionally, the county shall compare the SAR 7 or SAWS 2 submitted for that SAR Payment Period to all mid-period reports that were received during that SAR Payment Period to ensure that mid-period circumstances reported are consistent with the circumstances reported on the SAR 7 or SAWS 2.

(AR/CO) .23 Additionally, the county shall compare the SAWS 2 submitted for that AR/CO Payment Period to all mid-period reports that were received during that AR/CO Payment Period to ensure that mid-period circumstances reported are consistent with the circumstances reported on the SAWS 2.

(SAR) .231 If the information reported on the SAR 7 or SAWS 2 is inconsistent with the information provided in any mid-period reports made during the SAR Payment Period, the county shall take action to resolve the discrepancy. The county shall first attempt to contact the recipient to resolve the discrepancy. If the county is unable to contact the recipient or obtain resolution from such contact, the SAR 7 or SAWS 2 shall be considered incomplete.

(AR/CO) 231 If the information reported on the SAWS 2 is inconsistent with the information provided in any mid-period reports made during the AR/CO Payment Period, the county shall take action to resolve the discrepancy. The county shall first attempt to contact the recipient to resolve the discrepancy. If the county is unable to contact the recipient or obtain resolution from such contact, the SAWS 2 shall be considered incomplete.

.3

(SAR) Mid-Period Actions

(SAR) The county shall act on specified changes that occur mid-period. Mid-period changes to cash aid shall be acted on separately and sequentially under semi-annual reporting/prospective budgeting rules and include:

(AR/CO) Mid-Period Actions

(AR/CO) The county shall act on specified changes that occur mid-period. Mid-period changes to cash aid shall be acted on separately and sequentially under annual reporting/prospective budgeting rules and include:

(SAR) .31 Recipient Mid-Period Voluntary Reports

(SAR) Recipients may voluntarily report verbally or in writing, changes in income and circumstances any time during the SAR Payment Period. The county shall also accept a report of decreased income on the SAR 7 or SAWS 2 as a voluntary mid-period report when the SAR 7 or SAWS 2 is received in the Submit Month of the SAR Payment Period. When a voluntary report of decreased income is received in the Submit Month outside of the SAR 7 or SAWS 2 report, the county shall also treat this information as updated SAR 7 or SAWS 2 income information (see Section 44-315.314(SAR)) when determining cash aid for the next SAR Payment Period.

(SAR) The county shall take action on voluntary reports that increase cash aid or recipient requests to voluntarily discontinue their aid. If the grant would decrease (for reasons other than a voluntary discontinuance of aid) or not change based on the voluntary report (except as provided in Section 44-318.152(a)(SAR)), the county shall not take action to change the grant, but shall send a notice pursuant to

Section 22-071.12(SAR). Recipients must provide all verifications within ten days of a voluntary report prior to county action.

(AR/CO) .31 Recipient Mid-Period Voluntary Reports

(AR/CO) Recipients may voluntarily report verbally or in writing, changes in income and circumstances any time during the AR/CO Payment Period. The county shall also accept a report of decreased income on the SAWS 2 as a voluntary mid-period report when the SAWS 2 is received in the Submit Month of the AR/CO Payment Period. When a voluntary report of decreased income is received in the Submit Month outside of the SAWS 2 report, the county shall also treat this information as updated SAWS 2 income information (see Section 44-315.314(AR/CO)) when determining cash aid for the next AR/CO Payment Period.

(AR/CO) The county shall take action on voluntary reports that increase cash aid or recipient requests to voluntarily discontinue their aid. If the grant would decrease (for reasons other than a voluntary discontinuance of aid) or not change based on the voluntary report (except as provided in Section 44-318.152(a)(AR/CO)), the county shall not take action to change the grant, but shall send a notice pursuant to Section 22-071.12. Recipients must provide all verifications within ten days of a voluntary report prior to county action.

(SAR) .311 When a voluntary report is made by the recipient regarding changes in income and/or circumstances during the SAR Payment Period, the county must request verification in writing, allowing 10 days.

(SAR) (a) If the recipient provides verification within the 10 days given in the request for verification notice, the change is effective the first of the month following the voluntary report except as provided in Section 44-316.312(a)(4)(SAR).

(SAR) (b) If the recipient does not provide the necessary verification, the county shall send a No Change NOA to the AU.

(SAR) (c) If the recipient provides verification after the 10 days, the date the verification is provided shall be considered the date of the voluntary report.

(AR/CO) .311 When a voluntary report is made by the recipient regarding changes in income and/or circumstances during the AR/CO Payment Period, the county must request verification in writing, allowing 10 days.

(AR/CO) (a) If the recipient provides verification within the 10 days given in the request for verification notice, the change is effective the first of the month following the voluntary report except as provided in Section 44-316.312(a)(4)(AR/CO).

- (AR/CO) (b) If the recipient does not provide the necessary verification, the county shall send a No Change NOA to the AU.
- (AR/CO) (c) If the recipient provides verification after the 10 days, the date the verification is provided shall be considered the date of the voluntary report.

.312 Recipient voluntary reports include, but are not limited to, the following:

(a) Decreases in Reasonably Anticipated Income

- (1) When an AU voluntarily reports a decrease in income from the amount that was reasonably anticipated to be received, the county shall determine if the AU's cash aid will increase based on the changed income amount.

(SAR) (A) When an AU receives income from more than one source, and reports that its income has decreased, only the income that experienced the decrease shall be recalculated for the current and remaining months of the SAR Payment Period. The new grant amount shall be calculated using the existing income that didn't change and the recalculated income (the income that decreased).

(AR/CO) (A) When an AU receives income from more than one source, and reports that its income has decreased, only the income that experienced the decrease shall be recalculated for the current and remaining months of the AR/CO Payment Period. The new grant amount shall be calculated using the existing income that didn't change and the recalculated income (the income that decreased).

(B) When an AU consists of more than one person with income and one person experiences a decrease in income, only the changed income shall be recalculated. The new grant amount shall be based on that person's recalculated income along with the existing AUs reasonably anticipated monthly income that did not change.

- (2) When cash aid would increase due to a voluntarily reported decrease in reasonably anticipated monthly income, the

county shall determine a new monthly grant amount based on the report of decreased income.

(SAR) (3) The county shall use the new reasonably anticipated income for the month in which the decreased income occurred or the month it was reported, whichever is later, and the reasonably anticipated monthly income determined for the rest of the SAR Payment Period in recalculating cash aid for the month in which the change was reported and remaining months of the SAR Payment Period.

(AR/CO) (3) The county shall use the new reasonably anticipated income for the month in which the decreased income occurred or the month it was reported, whichever is later, and the reasonably anticipated monthly income determined for the rest of the AR/CO Payment Period in recalculating cash aid for the month in which the change was reported and remaining months of the AR/CO Payment Period.

(SAR) (4) The county shall issue a supplement within ten days of receiving verification. The supplement shall be based on the difference between the recalculated cash aid and the cash aid that was paid for the month the decrease in income is reported or the month the change actually occurs, whichever is later, and when all verification has been provided (see Section 44-340.3(SAR)).

(AR/CO) (4) The county shall issue a supplement within ten days of receiving verification. The supplement shall be based on the difference between the recalculated cash aid and the cash aid that was paid for the month the decrease in income is reported or the month the change actually occurs, whichever is later, and when all verification has been provided (see Section 44-340.3(AR/CO)).

(SAR) (5) The county shall increase the grant amount for the remainder of the SAR Payment Period based upon the newly calculated grant in Section 44-316.312(a)(3)(SAR).

(AR/CO) (5) The county shall increase the grant amount for the remainder of the SAR Payment Period based upon the newly calculated grant in Section 44-316.312(a)(3) (AR/CO).

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(SAR) Example 1:

A non-exempt AU of three, in Region 1 is in the April through September SAR Payment Period and is receiving a grant of \$94 per month. The grant was based on the mother having reasonably anticipated earned income of \$1,377 per month. On June 15, the mother reports that she lost her job and will only receive a \$600 paycheck for the month of June and anticipates no income for the remainder of the SAR Payment Period. The county requests verification of the job loss and the recipient provides the necessary documentation by June 20. The county shall recalculate her aid for the SAR Payment Period as follows:

\$ 600	June Actual Income
<u>-\$225</u>	Earned Income Disregard
\$ 375	
<u>- 187</u>	50% Earned Income Disregard*
\$187	Net Nonexempt Income for June*
\$670	MAP for three in Region 1
<u>-187</u>	Net Nonexempt Income*
\$483	Grant Amount for June
<u>- 94</u>	June Grant Already Received
\$389	Supplement for June
<u>+ 0</u>	Reasonably Anticipated Income for July through September
\$670	MAP for three in Region 1
\$670	Grant Amount for July through September

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

A supplement of \$389 is issued for the family for the month of June (no later than June 30) and the cash aid is increased to \$670 for July, August, and September.

(AR/CO) Example 1:

A non-exempt AU of three, in Region 1 is in the April through March AR/CO Payment Period and is receiving a grant of \$94 per month. The grant was based on the mother having reasonably anticipated earned income of \$1,377 per month. On June 15, the mother reports that she lost her job and will only receive a \$600 paycheck for the month of June and anticipates no income for the remainder of the AR/CO Payment Period. The county requests verification of the job loss and the recipient provides the necessary documentation by June 20. The county shall recalculate her aid for the AR/CO Payment Period as follows:

\$ 600	June Actual Income
<u>- 225</u>	Earned Income Disregard
\$ 375	Subtotal
<u>- 187</u>	50% Earned Income Disregard*
\$ 187	Net Nonexempt Income for June*
\$670	MAP for three in Region 1
<u>-187</u>	Net Nonexempt Income*
\$483	Grant Amount for June*
<u>- 94</u>	June Grant Already Received
\$ 389	Supplement for June
+ 0	Reasonably Anticipated Income for July through September
\$670	MAP for three in Region 1
\$670	Grant Amount for July through September

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

A supplement of \$389 is issued for the family for the month of June (no later than June 30) and the cash aid is increased to \$670 for the remainder of the AR/CO Payment Period (July through March).

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- (6) If the AU voluntarily reports a decrease in earnings that resulted from a loss or reduction in hours of employment, and the county determines that the recipient did not have good cause for the job quit/reduction in hours, the county shall impose a sanction pursuant to Section 42-721.4. However, the county shall not wait to increase cash aid due to voluntary report of decreased income while determining if good cause exists before imposing the sanction. See Section 42-721.44 for the time frame for imposing sanctions.

(SAR) (b) Adding Persons to an Existing AU

(SAR) (1) When an AU voluntarily reports a new person in the home, the county shall determine:

(SAR) (A) If the new person is CalWORKs eligible; and

- (SAR) (B) If the new person were added into the AU, the AU would still meet all eligibility conditions; and
 - (SAR) (C) If the addition of the new person would increase or decrease the grant amount or render the AU ineligible.
- (SAR) (2) In determining if the new person is CalWORKs eligible, the county shall use the reasonably anticipated income for the new person and the existing AU's income for the month in which the new person was voluntarily reported in the home and the remaining months of the SAR Payment Period. In making this determination, the county shall not recalculate the existing AU's reasonably anticipated monthly income that was previously computed.
- (SAR) (3) When aid would increase due to the voluntary report of a new person, the county shall add the new person effective the first of the month following the report of the change, in which all verification has been provided and all eligibility conditions have been met.
- (SAR) (A) The county shall include the new person's reasonably anticipated monthly income along with the existing AU's reasonably anticipated monthly income to recalculate cash aid for the month the new person is added and the remaining months of the SAR Payment Period.
- (SAR) 1. The new person's income will be determined for the remaining months of the SAR Payment Period. The county shall not recalculate the existing AU's monthly income that was previously computed when adding a new person to the grant.
 - (SAR) 2. The new grant amount shall be based on the AU's existing monthly income and the new person's reasonably anticipated income for the months the new person would be included in the AU.
 - (SAR) (B) The county shall increase the grant amount for the month the new person is added and the remaining months of the SAR Payment Period based on the

recalculation of the AU's cash aid (see Section 44-340.3(SAR)).

- (SAR) (4) When adding a new person who would result in an increase in aid, but the new person does not meet all eligibility conditions before aid is authorized, the county shall not add the person nor discontinue the existing AU mid-period.
- (SAR) (5) If the addition of a new person would result in a decrease in the existing AU's cash aid, the county shall not add the new person until the first day of the next SAR Payment Period that follows the mandatory reporting of the new person on the SAR 7 or SAWS 2, after all verification has been provided and all eligibility conditions have been met (except as provided in Section 82-832.3(SAR)).

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- (SAR) Example: An AU of three (mother and two children) are in a January through June SAR Payment Period. Father, who is disabled and has a part time job, moves into the home February 10 and is voluntarily reported in February by the AU. The county recalculates aid for the SAR Payment Period using the father's reasonably anticipated income for the period and determines the addition of the father would decrease aid for the existing AU. The county does not add the father into the AU mid-period. The county will send a No Change NOA and remind the existing AU to report the father on the SAWS 2, due June 15. If the father is still living in the home, meets all eligibility conditions, and the AU remains eligible, the father will be added into the AU July 1 and his income will be used in the grant calculation for the July through December SAR Payment Period.

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- (SAR) (6) If adding a new person would render the existing AU ineligible, the county shall not take action mid-period to discontinue the existing AU. The county shall discontinue the existing AU, with timely and adequate notice, at the end of the SAR Payment Period in which the new person is mandatorily reported on the SAR 7 or SAWS 2.
- (SAR) (c) Request Discontinuance for Aid to Existing AU Members

(SAR) At any time during the SAR Payment Period, a voluntary request can be made to discontinue the entire AU or any individual AU member who is no longer in the home or is an optional person.

(AR/CO) (c) Request Discontinuance for Aid to Existing AU Members

(AR/CO) At any time during the AR/CO Payment Period, a voluntary request can be made to discontinue the entire AU.

- (1) If a voluntary request for discontinuance is made verbally, the county shall discontinue cash aid at the end of the month in which timely and adequate notice can be provided.
- (2) If the request for discontinuance was made in writing, the county shall discontinue cash aid at the end of the month with adequate notice.
- (3) If an individual requests discontinuance from an existing AU, the county shall discontinue the individual even when that individual's request results in a decrease in aid for the remaining AU members.

(SAR) (A) The county shall not presume that a mid-period report of an individual leaving the home is a voluntary request for discontinuance of that AU member. In such circumstances, the county shall verify with the AU if the AU is seeking to discontinue that individual, and shall inform the AU that such a discontinuance shall result in decreased cash aid to the remaining AU members.

(SAR) (B) If an individual AU member who has left the home requests a discontinuance, but the AU has not voluntarily reported the departure, the individual's request for discontinuance takes precedence over the AU's decision to not make this voluntary mid-period report.

(d) Request for Recurring Special Needs

(SAR) (1) Recurring special needs that have been requested mid-period and have been verified and approved will begin the first of the month in which either the need was reported or the verification substantiates that the need exists, whichever is later, and shall remain in effect until the end of the SAR

Payment Period in which the special need is expected to end, except as provided in Section 44-211.641 (SAR).

(AR/CO)(1) Recurring special needs that have been requested mid-period and have been verified and approved will begin the first of the month in which either the need was reported or the verification substantiates that the need exists, whichever is later, and shall remain in effect until the end of the AR/CO Payment Period in which the special need is expected to end, except as provided in Section 44-211.641(AR/CO).

(SAR) (2) When an AU member becomes pregnant mid-period, the county shall make payments according to existing pregnancy special need rules (see Sections 44-211.6 et seq.) and will continue payment of the special need until the end of the SAR Payment Period in which the child is expected to be born.

(AR/CO)(2) When a teen AU member becomes pregnant mid-period, the county shall make payments according to existing pregnancy special need rules (see Sections 44-211.6 et seq.) and will continue payment of the special need until the end of the AR/CO Payment Period in which the child is expected to be born.

(SAR) (A) If the pregnancy is verified to extend beyond the estimated date of confinement and extends into the next SAR Payment Period, the county shall continue the pregnancy special need payment until the end of the SAR Payment Period in which the new estimated date of confinement is established or until the newborn is added to the AU. See Section 44-318.15(SAR) for when to add the newborn.

(AR/CO)(A) If the pregnancy is verified to extend beyond the estimated date of confinement and extends into the next AR/CO Payment Period, the county shall continue the pregnancy special need payment until the newborn is added to the AU. See Section 44-318.15(AR/CO) for when to add the newborn.

(SAR) .32 Recipient Mid-Period Mandatory Reports

(SAR) Recipients shall report in person, verbally or in writing, specific changes during the SAR Payment Period within ten (10) days of when the change becomes known to the AU.

(AR/CO).32 Recipient Mid-Period Mandatory Reports

(AR/CO) Recipients shall report in person, verbally or in writing, specific changes during the AR/CO Payment Period within ten (10) days of when the change becomes known to the AU.

.321 The following occurrences shall be reported by the recipient to the county:

- (a) Drug felony convictions
- (b) Fleeing felon status
- (c) Violation of conditions of probation or parole
- (d) Address changes (Continued)
- (e) Income exceeding the lowest of three levels of the Income Reporting Threshold (IRT)

(AR/CO)(f) Changes in household composition

.322 The county shall discontinue cash aid to the recipient at the end of the month in which timely and adequate notice can be provided when changes specified in Sections 44-316.321(a), (b), and (c) are reported.

.323 The county shall act on address changes, in accordance with regulations and procedures regarding changes of residence.

.324 Income Reporting Threshold (IRT)

- (a) The level of income that triggers the need for a CalWORKs AU to report a mid-period change in income. There are three tiers of the IRT under semi-annual and annual reporting, the lowest of which will be the AU's current IRT amount:
 - (1) 55 percent of the Federal Poverty Level for a family of three, plus the amount of income last used to calculate the AU's monthly grant amount.
 - (2) The amount of income likely to render the AU ineligible for CalWORKs benefits.

- (3) 130 percent of the Federal Poverty Level or the level at which a household becomes financially ineligible for federal SNAP benefits (called CalFresh in California).

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There are three tiers of the IRT under SAR and AR/CO, the LOWEST of which will be the AU's current IRT:

- 1) Tier one: 55 percent of the monthly income of a family of three at the Federal Poverty Level (FPL) plus the amount of income last used to calculate the AU's grant. (100 percent of the current FPL for a family of 3 as of 12-1-13 is \$1,628. 55 percent of 1,628 = \$895. This figure will be updated annually when the FPL is updated.)
 - a. This tier is an INCREASE in income of \$895.
 - b. This tier is the same for all AU sizes, exempt and non-exempt, in Region 1 and 2.
 - c. Income over tier one of the IRT will usually only result in a decrease to the benefit amount and will not usually result in the AU losing eligibility for aid.

Example: Tier One of the CalWORKs IRT based on various income amounts	
Income	IRT (\$895 + income)
\$0	\$895 (\$895 + \$0 = \$895)
\$50	\$945 (\$895 + \$50 = \$945)
\$100	\$995 (\$895 + \$100 = \$995)
\$200	\$1,095 (\$895 + \$200 = \$1,095)
\$300	\$1,195 (\$895 + \$300 = \$1,195)
\$400	\$1,295 (\$895 + \$400 = \$1,295)
\$500	\$1,395 (\$895 + \$500 = \$1,395)
\$600	\$1,495 (\$895 + \$600 = \$1,495)
\$750	\$1,645 (\$895 + \$750 = \$1,645)
\$1,000	\$1,895 (\$895 + \$1,000 = \$1,895)
\$1,500	\$2,395 (\$895 + \$1,500 = \$2,395)

- 2) **Tier two:** The level likely to render an AU ineligible for CalWORKs benefits:

Assistance Unit Size	*Maximum Earned Income Limit Region 1, Non-Exempt	*Maximum Earned Income Limit Region 1, Exempt
0	\$ 227	\$ 227
1	\$ 892	\$ 964
2	\$1,310	\$1,438
3	\$1,566	\$1,726
4	\$1,826	\$2,008
5	\$2,044	\$2,254
6	\$2,268	\$2,506
7	\$2,470	\$2,730
8	\$2,670	\$2,958
9	\$2,868	\$3,176
10 or more	\$3,064	\$3,398

Assistance Unit Size	*Maximum Earned Income Limit Region 2, Non-Exempt	*Maximum Earned Income Limit Region 2, Exempt
0	\$ 227	\$ 227
1	\$ 856	\$ 928
2	\$1,256	\$1,382
3	\$1,502	\$1,656
4	\$1,748	\$1,924
5	\$1,958	\$2,164
6	\$2,170	\$2,400
7	\$2,360	\$2,614
8	\$2,554	\$2,828
9	\$2,742	\$3,040
10 or more	\$2,926	\$3,248

*Formula: $\text{MAP} \times 2 + \$225 + 1$

(Example: Non-exempt MAP for an AU of 3 in Region 1 is \$670. $\$670 \times 2 + 225 + 1 = \$1,566$.)

- 3) **Tier Three:** The level likely to render a family ineligible for federal SNAP benefits. (130 percent of FPL. This Chart will be updated annually.)

Household Size	Income Reporting Threshold
1	\$1,245
2	\$1,681
3	\$2,116
4	\$2,552
5	\$2,987

6	\$3,423
7	\$3,858
8	\$4,294
9	\$4,730
10 or more	\$5,166

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(SAR) (b) If any member of the AU or person included in the family MAP, when the AU's current grant was determined, has earned income or begins receiving earned income, the AU must report to the county when the family's combined gross monthly income, earned and unearned, exceeds the AU's IRT during the SAR Payment Period.

(AR/CO) (b) If any member of the AU or person included in the family MAP, when the AU's current grant was determined, has earned income or begins receiving earned income, the AU must report to the county when the family's combined gross monthly income, earned and unearned, exceeds the AU's IRT during the AR/CO Payment Period.

(1) An AU that has earned income only or a combination of earned and unearned income shall report when the family's combined gross monthly income exceeds the AU's IRT.

(2) An AU that has no income or has unearned income only shall report if they begin to receive earned income that, once combined with other family income, exceeds the AU's IRT.

(SAR) (c) When an AU reports income in excess of the IRT, the county shall redetermine the AU's financial eligibility and grant amount for the SAR Payment Period.

(AR/CO) (c) When an AU reports income in excess of the IRT, the county shall redetermine the AU's financial eligibility and grant amount for the AR/CO Payment Period.

(SAR) (1) When the AU reports income in excess of the IRT in the first through fifth month of the current SAR Payment Period, the county shall determine if the reported income is reasonably anticipated to continue and whether the AU's net nonexempt monthly income determined for the remainder of the current SAR Payment Period will result in a lower grant amount or will exceed the income eligibility limits for CalWORKs. If the income is reasonably anticipated to

continue to result in a lower grant amount for the remainder of the SAR Payment Period, the county shall recalculate the AU's grant amount for the remainder of the SAR Payment Period. If the income is reasonably anticipated to continue to exceed the AU's income eligibility limits for the remainder of the SAR Payment Period, the county shall determine the AU financially ineligible and shall discontinue the AU at the end of the month in which the AU first received the income that exceeded the AU's eligibility limits, with timely and adequate notice (see Section 44-207.23(SAR)).

(AR/CO)(1) When the AU reports income in excess of the IRT in the first through eleventh month of the current AR/CO Payment Period, the county shall determine if the reported income is reasonably anticipated to continue and whether the AU's net nonexempt monthly income determined for the remainder of the current AR/CO Payment Period will result in a lower grant amount or will exceed the income eligibility limits for CalWORKs. If the income is reasonably anticipated to continue to result in a lower grant amount for the remainder of the AR/CO Payment Period, the county shall recalculate the AU's grant amount for the remainder of the AR/CO Payment Period. If the income is reasonably anticipated to continue to exceed the AU's income eligibility limits for the remainder of the AR/CO Payment Period, the county shall determine the AU financially ineligible and shall discontinue the AU at the end of the month in which the AU first received the income that exceeded the AU's eligibility limits, with timely and adequate notice (see Section 44-207.23(AR/CO)).

(A) If the AU reports that the income will no longer exceed the IRT prior to the effective date of the decrease or discontinuance, and the county determines that this is reasonably anticipated, the county shall rescind the decrease or discontinuance.

(SAR) (B) If the AU requests restoration of cash aid after the SAR Payment Period in which they were discontinued for income over the IRT, financial eligibility shall be determined in accordance with Sections 40-125.91 and .92(SAR).

(AR/CO)(B) If the AU requests restoration of cash aid after the AR/CO Payment Period in which they were

discontinued for income over the IRT, financial eligibility shall be determined in accordance with Sections 40-125.91.

(SAR) (2) When an AU reports income in excess of the IRT in the sixth month of the current SAR Payment Period, the county shall determine if the reported income is reasonably anticipated to continue. If the income will continue, the county shall use that information together with the SAR 7 or SAWS 2 information to prospectively determine eligibility and cash aid amount for the next SAR Payment Period.

(AR/CO)(2) When an AU reports income in excess of the IRT in the twelfth month of the current AR/CO Payment Period, the county shall determine if the reported income is reasonably anticipated to continue. If the income will continue, the county shall use that information together with the SAWS 2 information to prospectively determine eligibility and cash aid amount for the next AR/CO Payment Period.

(SAR) (d) If income that was reported as being in excess of the IRT is only expected to exceed the IRT for that one month and will not continue to exceed the IRT, the county shall not take action to decrease or discontinue cash aid. If the recipient's report indicates there will also be a decrease in the income previously anticipated for the SAR Payment Period, the county shall treat this additional information as a mid-period report.

(AR/CO)(d) If income that was reported as being in excess of the IRT is only expected to exceed the IRT for that one month and will not continue to exceed the IRT, the county shall not take action to decrease or discontinue cash aid. If the recipient's report indicates there will also be a decrease in the income previously anticipated for the AR/CO Payment Period, the county shall treat this additional information as a mid-period report.

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(SAR) Example: An AU is in an April through September SAR Payment Period. In May, the AU reports timely to the county that their earned income exceeded the IRT due to overtime. When determining the reasonably anticipated income for the rest of the SAR Payment Period for the AU due to the IRT report, it is discovered that the AU will lose their job at the end of May and have no income for the remaining months of the SAR Payment

Period. Since the income over the IRT will not continue, the AU's grant is not decreased or discontinued. The county shall treat the information about the decreased income as a mid-period report and recalculate the cash aid amount, after verification is received, for the remaining months of the SAR Payment Period (June through September).

(AR/CO) Example: An AU is in an April through March AR/CO Payment Period. In May, the AU reports timely to the county that their earned income exceeded the IRT due to overtime. When determining the reasonably anticipated income for the rest of the AR/CO Payment Period for the AU due to the IRT report, it is discovered that the AU will lose their job at the end of May and have no income for the remaining months of the AR/CO Payment Period. Since the income over the IRT will not continue, the AU's grant is not decreased or discontinued. The county shall treat the information about the decreased income as a mid-period report and recalculate the cash aid amount, after verification is received, for the remaining months of the AR/CO Payment Period (June through March).

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(AR/CO).325 The county shall act on household compositions changes reported mid-period.

(AR/CO)(a) Adding Persons to an Existing AU

(AR/CO)(1) When an AU reports a new person in the home, the county shall determine:

(AR/CO)(A) If the new person is CalWORKs eligible; and

(AR/CO)(B) If the new person were added into the AU, the AU would still meet all eligibility conditions; and

(AR/CO)(C) If the addition of the new person would increase or decrease the grant amount or render the AU ineligible.

(AR/CO)(b) In determining if the new person is CalWORKs eligible, the county shall use the reasonably anticipated income for the new person and the existing AU's income for the month in which the new person was reported in the home and the

remaining months of the AR/CO Payment Period. In making this determination, the county shall not recalculate the existing AU's reasonably anticipated monthly income that was previously computed.

(AR/CO)(c) When aid would increase due to the report of a new person, the county shall add the new person effective the first of the month following the report of the change, in which all verification has been provided and all eligibility conditions have been met.

(AR/CO)(1) The county shall include the new person's reasonably anticipated monthly income along with the existing AU's reasonably anticipated monthly income to recalculate cash aid for the month the new person is added and the remaining months of the AR/CO Payment Period.

(AR/CO)(A) The new person's income will be determined for the remaining months of the AR/CO Payment Period. The county shall not recalculate the existing AU's monthly income that was previously computed when adding a new person to the grant.

(AR/CO)(B) The new grant amount shall be based on the AU's existing monthly income and the new person's reasonably anticipated income for the months the new person would be included in the AU.

(AR/CO)(2) The county shall increase the grant amount for the month the new person is added and the remaining months of the AR/CO Payment Period based on the recalculation of the AU's cash aid (see Section 44-340.3(AR/CO)).

(AR/CO)(d) If the addition of a new person would result in a decrease in the existing AU's cash aid, the county shall decrease the grant after all verification has been provided and all eligibility conditions have been met. The county shall provide the AU with timely and adequate notice of the decrease in the AU's grant effective the first of the month following month in which the change occurred.

- (AR/CO) (e) If adding a new person would render the existing AU ineligible, the county shall take action mid-period to discontinue the existing AU. The county shall discontinue the existing AU with timely and adequate notice effective the end of the month in which the change occurred.

.33 County-Initiated Mid-Period Changes

The county shall take mid-period action on certain specified changes in eligibility and grant status at the end of the month in which the change occurred even if it results in a decrease in cash aid.

.331 County-initiated actions include:

- (SAR) (a) An adult in the AU reaches the 48-month time limit;
- (b) The county imposes a sanction or financial penalty on an individual member of the AU;
- (SAR) (c) The county removes the sanction of an individual who corrects his/her welfare-to-work participation problem, in accordance with Section 42-721.48;
- (d) The county removes the penalty for an AU that complies with the CalWORKs program requirements;
- (SAR) (e) A Cal-Learn participant earns a Cal-Learn bonus or sanction;
- (f) A child in the AU reaches the age limit (see Section 42-101);
- (g) A child in the AU is placed in Foster Care;
- (SAR) (h) A Refugee Cash Assistance (RCA) recipient reaches the eight-month RCA time limit;
- (i) Aid is authorized for an individual who is currently aided in another AU;
- (SAR) (j) Late SAR 7 adjustment;
- (k) State Hearing decision resulting in mandatory changes mid-period;
- (l) When an AU becomes a Family Reunification case;
- (m) An AU member is no longer a California resident;

- (SAR) (n) County acts on redetermination information in accordance with Section 40-181.1(SAR).
- (AR/CO)(n) County acts on redetermination information in accordance with Section 40-181.1(AR/CO);
- (SAR) (o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient SAR 7, SAWS 2 or mid-period reporting; or (2) incorrect action or lack of action by the county on SAR 7, SAWS 2 or mid-period information reported by the recipient;
- (AR/CO)(o) Adjustments to correct erroneous payments caused by (1) incorrect or incomplete recipient SAWS 2 or mid-period reporting; or (2) incorrect action or lack of action by the county on SAWS 2 or mid-period information reported by the recipient;
- (p) When it becomes known to the county that an AU member is deceased;
- (q) An AU is transferred to a Tribal TANF program;
- (r) Cost-of-living adjustments for Minimum Basic Standards of Adequate Care (including income in-kind), Maximum Aid Payment, and Social Security;
- (s) When it becomes known to the county that an individual is confined in a correctional facility on the first of a month and is expected to remain for a full calendar month or more (see Section 82-812.61).
- (t) Nine-month real property exemption expires (see Section 42-213.12).
- (u) A Non-Minor dependent is transferred into his or her own AU;
- (AR/CO)(v) The county determines an overpayment occurs and begins collecting overpayment via grant adjustment.

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Section 10063, 11265, 11265.1, 11265.2, 11265.3, 11265.45, 11265.47, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 44-318 to read:

44-318 BEGINNING DATE OF AID (BDA) FOR PERSONS
BEING ADDED TO THE AU

44-318

- | | | |
|------------|--|--|
| .1 | Beginning Date of Aid | The BDA shall be: |
| .11 | Mandatorily Included
Persons | When mandatorily included persons added result in
a cash aid: (Continued) |
| (SAR) .112 | Decrease | The first day of the SAR Payment Period following
the required reporting of the individual on the SAR
7 or SAWS 2 provided all conditions of eligibility
have been met. |
| | (AR/CO) | The first day of the month following the month in
which the change occurred. |
| .12 | Optional Persons | When optional persons added result in a cash aid:
(Continued) |
| (SAR) .122 | Decrease | The first day of the SAR Payment Period following
the required reporting of the individual on the SAR
7 or SAWS 2 provided all conditions of eligibility
have been met. |
| | (AR/CO) | The first day of the month following the month in
which the change occurred. |
| (SAR) .13 | Sanction/
Noncooperating Persons | The first of the month following the date the person
contacted the county to indicate his or her desire to
end
the sanction after all of the following conditions are
met: |
| (SAR) (a) | | All conditions of eligibility have been met (see
Section 44-316.331(c)(SAR)); and |
| (SAR) (b) | | The activities in accordance with Section 42-721.43
have been successfully completed. |
| .14 | Unreported Mandatorily
Included Persons | The date the person meets all requirements for
eligibility when he/she is required to be included in
the AU but aid was not requested. |

.141			Eligibility conditions are considered to have been met from the first day of the month following the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions.
.15	Newborn Child and MFG Child		
(SAR)	.151	Newborn Child	When a newborn child is added results in a cash aid:
(SAR)	(a)	Increase	The first of the month after the birth is reported and all conditions of eligibility have been met (see Section 44-211.6(SAR)).
(SAR)	(b)	Decrease	The first day of the next SAR Payment Period after the change is reported on the SAR 7 or the SAWS 2 and after all conditions of eligibility have been met (see Section 44-211.6(SAR)).
(AR/CO)	.151	Newborn Child	When a newborn child is added results in a cash aid:
(AR/CO)	(a)	Increase	The first of the month after the birth is reported and all conditions of eligibility have been met (see Section 44-211.633(AR/CO)).
(AR/CO)	(b)	Decrease	The first of the month after the birth is reported and all conditions of eligibility have been met (see Section 44-211.633(AR/CO)).
(SAR)	.152	Newborn MFG Child	When an MFG newborn child is added results in no change or a decrease in cash aid.
(SAR)	(a)	No PSN/ No Change	The first of the month following the report of the birth provided that all conditions of eligibility have been met and provided that the mother is not receiving a pregnancy special need payment and the grant will not decrease as a result of adding the newborn.
(SAR)	(b)	PSN/Decrease	The first day of the next SAR Payment Period following the report of the birth and all verification has been provided, when the mother has been receiving a pregnancy special need payment or the grant would otherwise decrease as a result of adding the newborn.

(AR/CO).152 Newborn MFG Child When an MFG newborn child is added results in no change or a decrease in cash aid.

(AR/CO) (a) No PSN/
No Change The first of the month following the report of the birth provided that all conditions of eligibility have been met.

(AR/CO) (b) PSN/Decrease The first of the month following the report of the birth provided that all conditions of eligibility have been met.

.16 Father of a Newborn When a father of a newborn added, in accordance with Section 44-205.122, results in a cash aid:
(Continued)

(SAR) .162 Decrease The first day of the next SAR Payment Period after the report of the birth and all conditions of eligibility have been met.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11265.47, and 11327.5(d), Welfare and Institutions Code; 45 CFR 233.10 and .20(a)(13); Federal Register, Vol. 57, No. 131; and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-325 to read:

44-325 CHANGES IN AMOUNT OF PAYMENT

44-325

.1 When Change is Effective

(SAR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(SAR) as soon as notice can be given pursuant to Sections 22-071 and 22-072.

(AR/CO) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(AR/CO) as soon as notice can be given pursuant to Sections 22-071 and 22-072.

.2 Discontinuance

(SAR) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(SAR). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

(AR/CO) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(AR/CO). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

.3 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11006.2, 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code.

Amend Section 44-327 to read:

44-327 DELAYED PAYMENT

44-327

When a public assistance payment is delayed because of changes in circumstances not related to continuing eligibility or to the correctness of grant, the county shall immediately take whatever action is necessary to determine the changed circumstances and issue the payment at the earliest possible date. (Continued)

.2 Factors Causing Delay in Payment

Factors which may cause delay in payment within the meaning of this section include:
(Continued)

(SAR) .25 The complete SAR 7 (see Section 40-181.241(SAR)) is received after the tenth day prior to the end of the submit month or the SAWS 2 is received after the 15th day of the submit month, regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(SAR).

(AR/CO) The SAWS 2 is received after the 15th day of the submit month, regardless of good cause – the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(AR/CO).

.26 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11006.2, and 11265.1, Welfare and Institutions Code.

Amend Section 44-340 to read:

44-340 UNDERPAYMENTS

44-340

.1 General (Continued)

.13 The county shall take all reasonable steps necessary to correct promptly any underpayment that comes to the county's attention. (Continued)

(SAR) .133 If information reported on the SAR 7 or SAWS 2 results in an increase in cash aid, and the county cannot increase the grant by the first day of the month of the next SAR Payment Period, a supplement shall be issued for that month, and cash aid increased for the remaining months of that SAR Payment Period. A supplement will be provided for the month the decrease in income is reported or the month the change actually occurs, whichever is later, after all verification has been provided (see Section 44-316.31(SAR).

(AR/CO) If information reported on the SAWS 2 results in an increase in cash aid, and the county cannot increase the grant by the first day of the month of the next AR/CO Payment Period, a supplement shall be issued for that month, and cash aid increased for the remaining months of that AR/CO Payment Period. A supplement will be provided for the month the decrease in income is reported or the month the change actually occurs, whichever is later, after all verification has been provided (see Section 44-316.31(AR/CO).

.14 A mid-period supplemental payment resulting from a voluntary mid-period report which was correctly computed based on a recalculation of reasonably anticipated income and/or other changed AU circumstances shall not be considered an underpayment and is not subject to an overpayment offset. (Continued)

.3 Calculating the Underpayments

The calculation of the underpayment is as follows: (Continued)

(SAR) .33 No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated for the SAR Payment Period and the recipient did not voluntarily report the change in circumstances or the decrease of income during the SAR Payment Period in accordance with Section 44-316.31(SAR).

(AR/CO) No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated for the AR/CO Payment Period and the recipient did not voluntarily report the change in

circumstances or the decrease of income during the AR/CO Payment Period in accordance with Section 44-316.31(AR/CO).

.4 Correction of the Underpayment (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11004.1, 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

Amend Section 44-350 to read:

44-350 OVERPAYMENTS -- GENERAL

44-350

.1 General (Continued)

(SAR) .18 An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the SAR Payment Period and the income the recipient actually received during that period, provided the recipient's reports were complete and accurate.

(AR/CO) An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the AR/CO Payment Period and the income the recipient actually received during that period. If the recipient's reports were incomplete or inaccurate, the county shall assess an overpayment based on what should have been reasonably anticipated at the time of the report, had the recipient reported completely and accurately.

.2 Definitions (Continued)

.5 Overpayments Due to the Inability to Provide Ten-Day Notice of Adverse Action

(SAR) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAR 7, the SAWS 2, or mandatory mid-period reports of income over the IRT.

(AR/CO) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAWS 2, or mandatory mid-period reports of income over the IRT.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11004 (Ch. 270, Stats. 1997), 11004.1, 11056, and 11265.1, Welfare and Institutions Code; Section 37 of AB 444 (Ch. 1022, Stats. 2002); 45 CFR 233.20(a)(13); and Administration for Children and Families (ACF) Action Transmittals (AT) 94-11 and 94-20; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-352 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment

When it is determined that an overpayment exists, calculate the amount of the overpayment and determine the appropriate methods of recovery.

.11 Overpayment due to "excess property"

(SAR) .111 Unless the excess property was spent down prior to the first day of the next SAR Payment Period, which followed the SAR 7 or SAWS 2 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(SAR) (a) Property information that should have been reported on the SAR 7 or SAWS 2 was not reported; or

(SAR) (b) The county failed to act correctly on property information reported on the SAR 7 or SAWS.2. Also see Section 40-125.951.

(AR/CO) Unless the excess property was spent down prior to the first day of the next AR/CO Payment Period, which followed the SAWS 2 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(AR/CO) (a) Property information that should have been reported on the SAWS 2 was not reported; or

(AR/CO) (b) The county failed to act correctly on property information reported on the SAWS 2. Also see Section 40-125.951.

.112 When a recipient has held property in excess of eligibility limits, the overpayment shall be calculated as follows:

(a) Determine the period of time in which the recipient held property exceeding the property maximums.

(1) For the purposes of this section, the period that the recipient held excess property includes all months in which the total property value of the same items of property exceeds limits on the first day of the month, even though there may be

intervening months in which the total property value is below limits. Fluctuations in the value of individual items of property shall not affect the determination of the period of time that the recipient held excess property, so long as the same items of property are included in the total property valuation. If the recipient disposes of an item of property or acquires an item of property, a new period begins and separate calculation is required.

(SAR) (2) The first month that can be determined for this period of excess property is the first month of the SAR Payment Period following the SAR 7 or SAWS 2 in which the excess property was required to be reported.

(AR/CO) The first month that can be determined for this period of excess property is the first month of the AR/CO Payment Period following the SAWS 2 in which the excess property was required to be reported.

(b) (Continued)

.12 Overpayment due to income or need or circumstances other than excess property.
(Continued)

.121 Compute the correct grant amount based on correct information for the month involved in the overpayment. If the recipient was totally ineligible for that month, the correct grant amount is zero (0). (Continued)

(a) Regulations subsequently invalidated by a court decision shall not be used in determining the correct grant for the applicable period(s) as required by the court decision. Instead, the instructions (e.g., All-County Letter, regulations, etc.) implementing the court decision shall be used. (Continued)

(2) When recomputing cash aid results in an overpayment, the county shall recreate case circumstances using the correct county processing time frames based on what the recipient should have reported.

HANDBOOK BEGINS HERE

(SAR) In the SAR Payment Period designated as July through December, an AU has no income and is receiving the Maximum Aid Payment amount. On October 10, the county determines through an IEVS match that the AU got income that exceeded the IRT beginning on January 5 of

the previous SAR Payment Period. The AU is still receiving the same level of income in the current SAR Payment Period and has never reported the income on a mid-period report or on the SAR 7 that was submitted in June. The county determines that the AU should have reported this change by January 15, and should have had their grant decreased due to the increased income effective January 31. The AU's grant shall be decreased on November 1, with a 10-day notice, and an overpayment would be established for February through October.

(AR/CO) In the AR/CO Payment Period designated as July through June, an AU has no income and is receiving the Maximum Aid Payment amount. On October 10, the county determines through an IEVS match that the AU got income that exceeded the IRT beginning on January 5 of the previous AR/CO Payment Period. The AU is still receiving the same level of income in the current AR/CO Payment Period and has never reported the income. The county determines that the AU should have reported this change by January 15, and should have had their grant decreased due to the increased income effective January 31. The AU's grant shall be decreased on November 1, with a 10-day notice, and an overpayment would be established for February through October.

HANDBOOK ENDS HERE

(b) (Continued)

- .125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

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EXAMPLES

<u>Factors</u>		<u>Computations</u>	
	<u>Aid Paid</u>	(.121) <u>Correct Grant</u>	(.125) <u>Overpayment</u>
1. Earned Income		\$1,025	
Reported Income		1,025	
Income Disregard		<u>- 225</u>	
Subtotal		800	
50% Earned Income Disregard		<u>- 400</u>	
Total Net Nonexempt Income		400	
MAP for Five	\$909	\$ 909	
Total Net Nonexempt Income		<u>- 400</u>	
Aid Payment	\$909	\$ 509	
Potential Overpayment (Aid Paid Less Correct Grant)			\$ 909 <u>- 509</u> \$ 400

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

2. Earned Income		\$ 500	
Reported Income		\$ 500	
Income Disregard		<u>- 225</u>	
Subtotal		275	
50% Earned Income Disregard*		<u>- 137</u>	
Total Net Nonexempt Income*		137	
MAP for Three	\$670	\$ 670	
Total Net Nonexempt Income*		<u>- 137</u>	
Aid Payment	\$670	<u>533</u>	
Overpayment (Aid Paid Less Correct Grant)*			\$ 670 <u>-533</u> \$ 137

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

HANDBOOK ENDS HERE

.2 Amount That Can Be Recovered (Continued)

.4 Methods of Recovery

All of the following methods may be used concurrently. However, those methods should be used that will result in the maximum recovery.

.41 Grant Adjustments

(SAR) Under SAR, recoupment by grant adjustment shall only be initiated at the beginning of a SAR Payment Period. Grant adjustment shall be discontinued mid-period when the debt is paid in full. A new overpayment collection may continue mid-period by grant adjustment if the new collection of the overpayment does not decrease aid mid-period.

(AR/CO) Under AR/CO, recoupment by grant adjustment shall be initiated mid-period. Grant adjustment shall be discontinued mid-period when the debt is paid in full.

.42 (Continued)

Authority cited: Sections 10553, 10554, and 11004(h), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11004, 11004.1, 11008 (Ch. 270, Stats. 1997), 11017, 11155, 11155.1, 11155.2, 11257, 11265.1, 11265.2, 11265.45, 11265.47, 11450, 11450.5, 11451.5, 11452, 11453, and 11453.2, Welfare and Institutions Code; Darces v. Woods (1984) 35 Cal.3rd 871:201 Cal.Rptr. 807, and Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.

Amend Section 48-001 to read:

48-001 COUNTY DEPARTMENT RESPONSIBILITY FOR RECORDS

48-001

- .1 The county shall maintain a record for each applicant and recipient which identifies each individual and family, their address and household composition for CalWORKs. The record shall identify each child and his/her parents, their address and household composition. (See Section 20-005 on record requirements for fraud cases.) The record shall also include:

.11 Records - Eligibility and Grant (Continued)

- .114 The basis for county action granting, denying, changing, not changing following a recipient mid-period report, delaying, cancelling, or discontinuing aid. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.3, Welfare and Institutions Code.

Amend Section 80-301 to read:

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Divisions 40 through 50 and 80 through 90.

- | | | | |
|-------|-----|------------------------------|--|
| (a) | (1) | Aid Payment | "Aid Payment" means any payment made to an AU.
(Continued) |
| | (5) | Annual Reporting/Child Only | "Annual Reporting/Child Only" (AR/CO) is a reporting system for a CalWORKs AU that does not include an eligible adult, with the exception of an adult who has been sanctioned due to non-compliance with welfare-to-work (WTW) requirements (per section 42-721). Under AR/CO, in addition to certain mandatory mid-period reports, recipients are required to submit an eligibility report every twelve months (one SAWS 2 per year). |
| | (6) | Applicant | (Continued) |
| | (7) | Applicant Child | (Continued) |
| | (8) | Assistance Unit (AU) | (Continued) |
| (c) | (1) | California Domestic Partner | (Continued) |
| | (6) | County-Initiated Actions | "County-Initiated Actions" means mid-period actions that the county is required to take pursuant to Section 44-316.33. (Continued) |
| (m) | (1) | Mandatory Inclusion | (Continued) |
| | (2) | Mandatory Mid-Period Reports | "Mandatory Mid-Period Reports" means mid-period reports that recipients are required to make within ten days of occurrence to the county pursuant to Section 44-316.32. |
| | (3) | Medical Verification | (Continued) |
| (SAR) | (4) | Mid-Period Reports | "Mid-Period Reports" means any change reported during the SAR Payment Period outside of the SAR 7 or SAWS 2 reporting process. |

(AR/CO) Mid-Period Reports			"Mid-Period Reports" means any change reported during the AR/CO Payment Period outside of the SAWS 2 reporting process.
(5)	Minor Parent		(Continued)
(s)	(1)	Sanction	(Continued)
(SAR)	(3)	Semi-Annual Report	Under the Semi-Annual Reporting system, a semi-annual eligibility report is due every six months: one SAR 7 and one SAWS 2 per year. A SAR 7 is due in the sixth (6th) month of the SAR Payment Period after the application or annual redetermination of eligibility (SAWS 2) is completed.
(SAR)	(4)	Semi-Annual Reporting (SAR)	SAR is the reporting system that replaced Quarterly Reporting. Under SAR, in addition to certain mandatory mid-period reports, recipients are required to submit an eligibility report every six months (one SAWS 2 and one SAR 7 per year). (Continued)
(v)	(1)	Voluntary Recipient Reports	"Voluntary Recipient Reports" means mid-period reports that recipients may make to the county pursuant to Section 44-316.31. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, 10830, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11265.45, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 80-310 to read:

80-310 DEFINITIONS - FORMS

80-310

The following forms apply to the regulations in Divisions 40 through 50 and 80 through 89.

(a)

(AR/CO)(1) AR 2

The "Reporting Changes for CalWORKs and CalFresh" (Rev. 11/13) may be used to inform the recipient under AR/CO in CalWORKs and those with CalFresh Change Reporting responsibilities of their Income Reporting Threshold (IRT) and reporting responsibilities.

(AR/CO)(2) AR 2 SAR

The "Reporting Changes for CalWORKs and CalFresh" (Rev 11/13) may be used to inform the recipient under AR/CO in CalWORKs and those with CalFresh Semi-Annual Reporting responsibilities of their Income Reporting Threshold (IRT) and reporting responsibilities.

(AR/CO)(3) AR 3

The "Mid-Year Status Report for CalWORKs and CalFresh" (Rev. 12/12) may be used by recipients to report mandatory and/or voluntary mid-period changes in writing. Clients are not mandated to use this form and counties shall also accept mid-period reports that are submitted in a manner other than on the AR 3.

(b) (Reserved)

(c) (1) CCP 1

(Continued)

(9) CW 25A

The "Payee Agreement For Minor Parent" (Rev. 2/13) is used in minor parent cases to delegate an adult payee. This form replaces the QR 25A.

(10) CW 29

The "Applicant Test" (Rev. 1/13) is used to determine if the applicant is eligible for Cash Aid. This form replaces the QR 29.

(11) CW 30

The "CalWORKs Budget Worksheet" (Rev. 4/13) is used to determine the aid payment amount for the AU. This form replaces the QR 30.

- | | |
|------------------|--|
| (12) CW 42 | The "Statement of Facts – Homeless Assistance (Rev. 11/06)" is used to gather information to determine eligibility for non-recurring special need for homeless assistance. This form replaces the CA 42. |
| (13) CW 371 | The "Referral to Local Child Support Agency (LCSA)" (Rev. 7/01) is used to refer cases to the Local Child Support Agency for child support enforcement purposes. This form replaces the CA 371. |
| (14) CW 2103 | The "Reminder for Teens Turning 18 Years Old" (Rev. 2/13) is used to inform recipient children who will be turning 18 within 60 days of the requirements for continued eligibility. This form replaces the QR 2103. |
| (15) CW 2211 | The "Your CalWORKs Reporting Rules Have Changed" (9/13) form is used to inform recipients when their case is moving from SAR to AR/CO. It includes a description of the basic differences between the two reporting systems and describes the mandatory reporting requirements under AR/CO. |
| (16) CW 2212 | The "The Rules for Your CalWORKs Case Have Changed" (9/13) form is used to inform recipients when their case is moving from AR/CO to SAR. It includes a description of the basic reporting requirements under SAR. |
| (d) (1) DHS 6110 | (Continued) |
| (q) (Reserved) | |
| (r) (Reserved) | |
| (s) | (Continued) |
| (6) SAR 22 | The "Sponsor's Statement of Facts Income and Resources (Supplement to the SAWS 2, Application For CalFresh And Cash Aid)" (Rev. 3/13) is used to collect necessary information about a noncitizen's sponsor for determining eligibility for the noncitizen. The SAR 22 must be completed in addition to the SAWS 2 when a recipient is a |

sponsored non-citizen. This form replaces the QR 22.

- | | |
|-----------------------|---|
| (7) SAR 23 | The "Senior Parent Statement of Facts" (Rev. 3/13) is used to collect information about the senior parent/legal guardian's income to determine a minor parent's eligibility. This form replaces the CW 23. (Continued) |
| (12) SAWS 2A SAR | The "Rights, Responsibilities and Other Important Information" (Rev. 4/13) is used to inform applicants and recipients of their rights and responsibilities. (Continued) |
| (t) (1) TEMP 2189 | (Continued) |
| (AR/CO) (5) TEMP AR 1 | The "New Reporting Requirements for CalWORKs and CalFresh" (Rev. 2/13) is a mass informing notice sent to recipients prior to the implementation of AR/CO. The informing notice shall be given to all applicants who apply during the reporting transition and recipients child-only cases. This notice explains the change from quarterly reporting to annual reporting. |
| (SAR) (6) TEMP SAR 1 | The "New Reporting Requirements for Cash Aid and CalFresh " (Rev. 9/13) is a mass informing notice sent to recipients prior to the implementation of SAR. The informing notice shall be given to applicants who apply during the reporting transition. This notice explains the change from quarterly reporting to semi-annual reporting. |
| (7) TLR 1 | (Continued) |

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11265.1, 11265.2, 11265.3, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code; Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999; 8 USC Section 1631; and 1798.17, Civil Code.

Amend Section 82-612 to read:

82-612 UNEMPLOYMENT INSURANCE BENEFITS (UIB) (Continued) 82-612

(SAR)

.3 Date of Discontinuance

The county shall discontinue the AU at the end of the SAR Payment Period in which a person who is required to apply for or accept UIB fails to do so, or fails to meet one of the eligibility conditions in Section 82-612.7. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.2 and 11270, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(ix).

Amend Section 82-812 to read:

82-812 TEMPORARY ABSENCE (Continued)

82-812

.6 Exceptions to One Full Calendar
Month Time Limitation

Exceptions include: (Continued)

.68

Children Receiving Out-of-Home Care (Continued)

.687

The following are eligibility and reporting requirements that will apply to the family reunification parent.

(SAR) (a)

Semi-Annual eligibility reporting requirements for reunification cases are set forth in Section 40-181.223(SAR). (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11269, 11323.4, 11327.5(d), and 11454, Welfare and Institutions Code; and 42 USC 608(a)(10).

Amend Section 82-820 to read:

82-820 INCLUDED PERSONS (Continued)

82-820

.3 Mandatory Inclusion
(SAR)

The AU shall include the following persons when living in the same home and eligible at the time of initial family application (see Section 44-317) or at the beginning of the SAR Payment Period following the mandatory reporting of the individual on the SAR 7 or SAWS 2 (see Section 44-318(SAR)):

(AR/CO)

The AU shall include the following persons when living in the same home and eligible at time of initial family application (see section 44-317) or the first of the month following the month the change was reported (see section 44-318(AR/CO)):

.31 Applicant Child

(Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11254, 11265.3, 11265.47, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-824 to read:

82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED

82-824

- .1 Combining AUs Two or more AUs in the same home shall be combined into one AU when: (Continued)
- .14 Combining AUs Mid-Period
- .141 When a voluntary report is made that would combine separate AUs mid-period, the county shall determine if the mid-period action of combining the AUs would increase or decrease aid for the separate AUs.
- .142 The county shall compare the monthly grant for the combined AUs to the total combined monthly grants of the separate AUs.
- .143 If the combined AU's monthly grant would be higher than the total combined monthly grant of two separate AUs, the county shall take mid-period action to combine the AUs the first of the month following the voluntary report.
- .144 If the combined AU's monthly grant does not result in an increase to the total combined monthly grant of the separate AUs, the county shall not take mid-period action to combine the AUs. The combining of the separate AUs shall be effective the first of the next SAR Payment Period, after the change(s) is reported on the SAR 7 or SAWS 2.

[Previous Cite: 44-205.3]

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(1); 45 CFR 233.90; 45 CFR 237.50(b)(5); United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. SSA-AT-86-1; Section 242, California Civil Code; Anderson v. Edwards 115 S.Ct. 1291 (1995); and Sections 10553, 10554, 10604, 11000, 11265.3, and 11450, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-832 to read:

82-832 EXCLUDED PERSONS (Continued)

82-832

(SAR)

.3 Add a Person Who Becomes
Ineligible Prior to Authorization
of Aid

A new person who has been mandatorily reported on the SAR 7 and determined eligible based on the information provided, shall be treated as an excluded person for the next SAR Payment Period when ineligibility occurs after the SAR Data Month but prior to the authorization of aid (see Section 40-171.221). This person's income and needs, as reported on the SAR 7, shall be treated in accordance with Section 44-133.5 for the next SAR Payment Period and the AU shall be discontinued at the end of that SAR Period in which the individual was treated as an excluded person, if the following SAWS 2 establishes that ineligibility continues to exist for the AU.

(SAR) (a)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the SAR Payment Period in which the new person was mandatorily reported. (See section 40-105.1 for applicant and recipient reporting responsibilities and county action.)

(AR/CO)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

(AR/CO)

If a new person is mandatorily reported mid-period and ineligibility occurs before the application for the new person is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the

entire AU ineligible, aid will be discontinued for the entire AU at the end of the month in which the new person was mandatorily reported.

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(SAR) Example 1:

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAR 7 for the Data Month of May. The father, who was determined to be the principal earner, was receiving UIB in the Data Month and was initially determined eligible as an unemployed parent based on the SAR 7 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job in the Submit Month of June. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g) and instruct the AU to report the father's full-time employment on the SAWS 2 due in December (for November). Because ineligibility for the father has occurred after the SAR Data Month but prior to the authorization of aid, his reasonably anticipated income as reported on the SAR 7 for May, and his needs shall be treated as those of an excluded person in accordance with Section 44-133.5 for the next SAR Payment Period. The existing AU's deprivation is not affected until the father's full-time employment that occurred mid-period (in June) is reported on the subsequent SAWS 2. If the subsequent SAWS 2 establishes that ineligibility exists for the AU, the county shall discontinue cash aid at the end of that SAR Period once timely and adequate notice has been provided.

(SAR) Example 2:

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAWS 2 in June. The father, who was determined to be the principal earner, was receiving UIB at the time the SAWS 2 was completed and was initially determined eligible as an unemployed parent based on the SAWS 2 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective June 30, with timely and adequate notice.

(AR/CO) Example 1:

An AU is aided based on absent parent deprivation. The current AR/CO Payment Period is January through December. In March, the absent father returned to the home and is reported to the County. The father, who was determined to be the principal earner, was receiving UIB at the time the report was made that he returned to the home and was initially determined eligible as an unemployed parent based on the information completed on the Statement of Facts to Add an Additional Person (CW 8). However, when the county completed the interview with the father, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective March 31, with timely and adequate notice.

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[Previous cite: 44-206]

Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code.

Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 89-110 to read:

89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION 89-110

HANDBOOK BEGINS HERE

- .1 MAP Amount See Section 44-315.321, Handbook for the MAP levels in effect as of 3/1/2014.

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- .2 Exempt and Nonexempt AUs The CWD shall determine whether an AU is an Exempt or Nonexempt AU for purposes of the MAP amounts specified in Section 44-315.311 by using the rules in this section. (Continued)
- .26 Review of AU Exemption Status The CWD shall review AU exemption status when: (Continued)
- (SAR) .262 Semi-Annual Eligibility Report Received The county processes the SAR 7 or the SAWS 2 submitted by the AU. (Continued)
- (SAR) .28 Use of Exempt/Nonexempt Amount The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the SAR Payment Period. (Also see Sections 89-110.291(SAR) and 89-110.292(SAR).)
- (AR/CO) Use of Exempt/Nonexempt Amount The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the AR/CO Payment Period. (Also see Sections 89-110.291 (AR/CO) and 89-110.292(AR/CO).)
- .29 When the AU status changes between exempt and nonexempt, the county shall change the MAP status effective as follows:
- (SAR) .291 If the change is reported on the SAR 7 or the SAWS 2, the change in status shall be effective the first day of the next SAR Payment Period.

(AR/CO)

If the change is reported on the SAWS 2, the change in status shall be effective the first day of the next AR/CO Payment Period.

(SAR) .292

If the change is reported mid-period and the change in status will increase cash aid as specified in Section 44-316.31(SAR), the change in status shall be effective the first day of the month following the report of the change when verification has been provided.

(AR/CO)

If the change is reported mid-period and the change in status will increase cash aid as specified in Section 44-316.31(AR/CO), the change in status shall be effective the first day of the month following the report of the change when verification has been provided.

(AR/CO) (a)

If a change in household composition is reported mid-period and the change results in a change in MAP status which will increase or decrease cash aid, the change in status effective date shall be determined pursuant to section 44-316.325 (AR/CO).

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.3 Examples of Exempt and Nonexempt AUs, Financial Eligibility Determination, MAP Status Determination, and Mid-Period MAP Status Changes

.31 Examples of Exempt and Nonexempt AUs

(SAR) Example 1 – Exempt AU – Receipt of SDI and SSI/SSP

The family consists of two parents and their two children with eligibility based upon incapacity. One parent receives SDI and the second parent receives SSI/SSP. Since each parent receives one of the benefits specified in Section 89-110.22, the CWD uses the Exempt MAP.

(SAR) Example 2 – Exempt AU – Disabled Pregnant Woman Only (PWO)

Because a pregnant woman is the only member of her AU and receives one of the benefits specified in 89-110.22, the CWD uses the Exempt MAP.

(SAR) Example 3 – Nonexempt AU – Receipt of Private Disability Insurance

The AU consists of a parent and his aided child. The parent receives private insurance benefits from his employer; however, this income is not one of the benefits specified in Section 89-110.22 and the parent does not meet any other criterion to receive an exemption. The CWD uses the Nonexempt MAP.

(AR/CO) Example 4 – Exempt AU – Unaided Non-Parent Caretaker Relative

An aunt is receiving aid for her nephew. The AU consists of the child only. The CWD uses the Exempt MAP as the aunt meets the exemption in 89-110.23; she is an unaided non-parent caretaker relative.

(SAR) Example 5 – Nonexempt AU – Parent with SSI/SSP Child

The AU consists of a mother and her child, who receives SSI/SSP. The mother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because the parent in the AU must meet the criteria in Section 89-110.21 and .22, the CWD uses the Nonexempt MAP.

(AR/CO) Example 5a – Exempt AU – SSI/SSP Parent with Child.

The AU consists of a father who receives SSI/SSP and his child. The father receives one of the benefits in Section 89-110.22. The CWD uses the Exempt MAP.

(SAR) Example 6 – Nonexempt AU – Minor Parent

The AU consists of a senior parent and her children. One of the senior parent's children is a 17-year-old minor parent. The minor parent's child is also in the AU. The senior parent receives SDI. The minor parent aided as an eligible child in the senior parent's case is considered to be a parent as specified in Section 89-110.251. The minor parent does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. Because both senior parent and minor parent are considered parents in determining exempt status, and all parents in an AU must receive one of the benefits in Section 89-110.22, the CWD uses the Nonexempt MAP.

(SAR) Example 7 – Nonexempt AU – Aided Stepparent

The AU consists of a father, the father's children, and an aided stepmother. The stepmother is pregnant, but she is not the parent or caretaker relative of any of the aided children. The father receives temporary workers compensation (TWC). The aided stepmother does not receive one of the benefits specified in Section 89-110.22 or meet any other criterion to receive an exemption. The CWD uses the

Nonexempt MAP as both the parent and the aided stepmother must meet an exemption as required by Section 89-110.211.

(AR/CO) Example 8 – Exempt AU – Unaided Stepparent

The family consists of a mother, the mother's children and an unaided stepfather. The mother receives SSI/SSP and is not in the AU. The stepfather, who is not the parent of any of the aided children, is unaided; therefore, he is not considered in determining the AU's exemption status. The CWD uses the Exempt MAP.

(SAR) Example 9 – Nonexempt AU – Undocumented Immigrant Father

The family consists of a mother, the mother's children, and the father, who is an undocumented immigrant. Eligibility is based on unemployment. The mother receives SDI. The father does not receive one of the benefits specified in Section 89-110.22 or meet any other exemption criterion. The CWD uses the Nonexempt MAP, as each parent must meet one of the criterion to receive an exemption even if they are not aided due to exclusion.

(SAR) Example 10 – Request for Review of AU Status by the AU

The AU consists of two parents and their two children, with deprivation based on unemployment. The AU receives the Nonexempt MAP. In June, the father requests a review of the AU status, as he has been determined to be exempt from welfare-to-work participation due to disability as specified in Section 42-712.44. The wife's application for IHSS was denied and she does not meet any other criterion for an exemption. Since both the father and the mother must receive one of the benefits specified in Section 89-110.22 or meet one other criterion to receive an exemption, the CWD uses the Nonexempt MAP.

.32 Determining MAP Status for Applicants

(SAR) Example 11 – Determining MAP Status for Applicants

(SAR) An initial application is made January 4 for an AU consisting of a father and two children. The applicant AU is placed in a January through June SAR Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant's status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire SAR Payment Period.

(AR/CO) Example 11 – Determining MAP Status for Applicants

(AR/CO) An initial application is made January 4 for an AU consisting of two children (father is unaided). The applicant AU is placed in a January through December

AR/CO Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant's status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire AR/CO Payment Period.

.33 Determining MAP Status for Recipients

(SAR) Example 12 – Determining Status for Recipients

(SAR) An existing AU is in a July through December SAR Payment Period. On the November SAR 7, the recipient reports the receipt of SDI in the Data Month. The county verifies the recipient's SAR 7 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the January through June SAR Payment Period.

(AR/CO) Example 12 – Determining Status for Recipients

(AR/CO) An existing AU is in a July through June AR/CO Payment Period. On the June SAWS 2, the recipient reports the receipt of SDI in the Data Month. The county verifies the recipient's SAWS 2 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the July through June AR/CO Payment Period.

(SAR) Example 13 – Late Discovery Due to Client's Failure to Timely Report

(SAR) The AU consists of a parent and his child. The AU is in an April through September SAR Payment Period. The father starts receiving SDI in the Data Month of August but does not report the information on the SAR 7. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is November. Section 89-110.271 provides that the MAP status change shall not be effective for any months prior to a request for review when the status change results from a request for review and Section 89-110.292(SAR) provides that increases to aid due to a recipient mid-period voluntary report are not effective until the first of the month following the report.

(AR/CO) Example 13 – Late Discovery Due to Client's Failure to Timely Report

(AR/CO) The AU consists of a child only. The AU is in an April through March AR/CO Payment Period. The father starts receiving SDI in August but does not report the information. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is November. Section 89-110.271 provides that the MAP status change shall not be effective for any months prior to a request for review when the status change results from a request for review and

Section 89-110.292(AR/CO) provides that increases to aid due to a recipient mid-period voluntary report are not effective until the first of the month following the report.

(SAR) Example 14 – Late Discovery Due to Administrative Error

(SAR) The AU consists of a mother and her child. The AU is in a January through June SAR Payment Period. The mother's SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their May SAR 7 due in June. However, the county incorrectly processes the SAR 7 and continues to use the Exempt MAP status for the July through December SAR Payment Period. In July, the county discovers the error. Since the effective date of the MAP status change for the SAR Payment Period was July 1, the county shall take mid-period action to correct the error. The county shall recompute eligibility and cash aid for the entire SAR Payment Period using the nonexempt status. The county shall recompute aid for the remaining months of the SAR Payment Period and shall make an overpayment or underpayment determination for the month of July.

(AR/CO) Example 14 – Late Discovery Due to Administrative Error

(AR/CO) The AU consists of a child only. The AU is in a January through December AR/CO Payment Period. The mother's SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their SAWS 2 due in December. However, the county incorrectly processes the SAWS 2 and continues to use the Exempt MAP status for the following January through December AR/CO Payment Period. In February, the county discovers the error. Since the effective date of the MAP status change for the AR/CO Payment Period was January 1, the county shall take mid-period action to correct the error. The county shall recompute eligibility and cash aid for the entire AR/CO Payment Period using the nonexempt status. The county shall recompute aid for the remaining months of the AR/CO Payment Period and shall make an overpayment or underpayment determination for the months of January and February.

(SAR) Example 15 – Mid-Period Status Review Request

(SAR) An existing AU, a father and his child, is in a January through June SAR Payment Period. Eligibility and cash aid for this period has been determined using the December SAR 7 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-period report will increase cash aid (see Section 44-316.31(SAR)). The county changes the recipient's MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in May and will continue

to use the exempt MAP status until the AU reports a status change on either the SAR 7, SAWS 2 or a mid-period report.

(AR/CO) Example 15 – Mid-Period Status Review Request

(AR/CO) An existing AU, a child only case, is in a January through December AR/CO Payment Period. Eligibility and cash aid for this period has been determined using the December SAWS 2 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-period report will increase cash aid (see Section 44-316.31(AR/CO)). The county changes the recipient's MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in May and will continue to use the exempt MAP status until the AU reports a status change on either the SAWS 2 or a mid-period report.

(SAR) Example 16 – Mid-Period Voluntary Report to Add a Person

(SAR) An AU of one, a pregnant woman only case, is in an October through March SAR Payment Period. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.213. On November 5, the mother voluntarily reports the birth of the child and requests aid for the child. When determining the eligibility to add the child December 1, the county determines that the potentially "new AU" (the existing AU and the added person) does not meet exempt MAP status. The county uses the Nonexempt MAP status to determine if the child is CalWORKs eligible and if the newborn's addition into the existing AU increases the grant. If the newborn increases cash aid for the existing AU, the Nonexempt MAP status shall be effective December 1 and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

(SAR) If the newborn's addition into the AU would decrease cash aid, the baby will be added to the AU and the Nonexempt MAP status shall not be effective until the first day of the next SAR Payment Period and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

(AR/CO) Example 17 – Mid-Period Mandatory Report to Add a Person

An AU of one consists of a timed-out mother receiving State Disability Insurance, with one child, and is in an October through September AR/CO Payment Period. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.22. On January 5, the child's father, who was previously on aid and is now timed out, returns to the home and reports he is not receiving any income. When determining eligibility, per section 44-316.31, the county determines that the father does not receive one of the benefits specified in Section 89-110.22 or meet any criteria in Section 89-110.21 and .22, therefore, the county

uses the Nonexempt MAP to determine eligibility. The Nonexempt MAP status shall be effective February 1.

HANDBOOK ENDS HERE

.4 Relocation Family Grant (Continued)

Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11265.1, 11265.2, 11265.3, 11450.01, 11450.015, 11450.03, and 11450.5, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 89-201 to read

89-201 MINOR PARENT REQUIREMENT (Continued)

89-201

- .5 Senior Parent Income In cases where the minor parent lives with his/her parent(s), the income and needs of the senior parent(s) shall be considered. Eligibility and grant amount for senior parent/minor parent cases shall be determined in accordance with Sections 44-133.5, 44-207 and 44-315 as appropriate, based on the specific circumstances of the case.
- .51 Senior Parent/Minor Parent Eligibility and Grant Amount When considering income of the senior parent(s), pursuant to Sections 44-133.5, 44-207 and 44-315, and that income does not result in ineligibility of the minor and his/her child(ren), and: (Continued)
- .513 Grant Amount The income of the senior parent(s) shall be considered and the actual grant amount calculated pursuant to Section 44-315.3.

HANDBOOK BEGINS HERE

- (AR/CO) (a) Example: The persons residing together are the senior parent, Eligible Minor her minor daughter (minor parent) and her minor Parent in own daughter's child. The senior parent is not in the AU. AU The senior parent earns \$1,025 per month. The minor parent has no income. The family resides in Region 1 and is nonexempt.

The eligibility/grant computation is as follows:

\$1,025	Reasonably Anticipated Family Earned Income
- 225	\$225 Earned Income Disregard
\$ 800	
- 400	50% Earned Income Disregard
\$ 400	Net Nonexempt Income
\$ 670	MAP for an AU of Three
- 400	Total Net Nonexempt Income
\$ 270	Potential Grant
\$ 542	MAP for an AU of Two
\$ 270	Actual Grant Amount (lesser of potential grant or AU MAP)

(SAR) (b) Example: Minor parent lives with both her parents. The Eligible Minor senior parents are in the AU with the minor parent Parent in AU of and the minor's child. One senior parent earns \$900 Senior Parent(s) per month. The other senior parent earns \$400 per month and receives \$125 in State Disability Insurance benefits. The minor parent has no income. The AU is nonexempt and resides in Region 1.

The eligibility/grant computation is as follows:

\$ 125	Reasonably Anticipated Monthly Disability-Based Unearned Income
- 225	\$225 Disability-Based Unearned Income (DBI) Disregard
<u>0</u>	Net Disability-Based Unearned Income
\$ 100	Remainder of \$225 DBI Disregard
\$1,300	Reasonably Anticipated Monthly Family Earned Income
- 100	Remainder of \$225 DBI Disregard
\$1,200	
- 600	50% Earned Income Disregard
\$ 600	Net Nonexempt Earned Income
+ 0	Other Nonexempt Unearned Income
\$ 600	Total Net Nonexempt Income
\$ 800	MAP for an AU of Four
- 600	Net Nonexempt Income
\$ 200	Grant Amount

HANDBOOK ENDS HERE

.6 Minor Meets Exemption (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 11008.14, 11017, 11254 (Ch. 1022, Stats. 2002), 11450, 11451.5, 11453, and 16506(d), Welfare and Institutions Code; 42 USCA 608(a)(5).

**REPORTING CHANGES FOR CalWORKs
AND CALFRESH**

CASE NAME:	
CASE NUMBER:	
WORKER NUMBER:	

Because you get CalWORKs, you must report within 10 days when your TOTAL income reaches a certain level. You must report anytime your household's total monthly income is more than your current Income Reporting Threshold (IRT).

Your family size is	_____
Your current income is \$	_____
Your IRT is \$	_____

How to report?

If your total income is over the IRT amount listed above, you must report this to the County **within 10 days**. You can report this information to the County by calling the County or reporting it in writing.

By "total monthly income" we mean:

- ⇒ Any money you get (both earned and unearned).
- ⇒ The amount *before* any deductions are taken out. (Examples of deductions are: taxes, Social Security or other retirement contributions, garnishments, etc.)

What will happen?

- ⇒ Your benefits may be lowered or stopped based on income over your IRT.
- ⇒ Your IRT may change when your income changes or when someone moves in or out of your home.
- ⇒ The County will let you know in writing each time your IRT changes.
- ⇒ You also need to report during your annual redetermination/recertification (RD/RC) all income the RD/RC form asks about, even if you already reported that money.

Penalty for not reporting

If you do not report when your income is more than your household's IRT limit you may get more benefits than you should. You **must** repay any extra benefits you get based on income you do not report. If you do not report on purpose to try to get more benefits, this is fraud, and you may be charged with a crime.

If you get CalWORKs, you **MUST ALSO** report the things below **within 10 days** of when they happen:

1. Anytime someone moves into or out of your household.
2. Anytime someone joins, or is in your household, who has a conviction for a drug related felony *that was not reported before*.
3. Anytime someone joins, or is in your household, who is in violation of a condition of probation or parole.
4. Anytime someone joins, or is in your household, who is running from the law.
5. Anytime you have an address change.

If you get CalFresh, you **MUST ALSO** report the things below **within 10 days** of when they happen:

1. All mandatory reports required for CalWORKs, other than IRT (see 1-5 above).
2. You have a change in the source of income including starting, stopping or changing jobs;
3. Earned income changes by more than \$100.
4. Unearned income changes by more than \$50 (except for CalWORKs or General Assistance).
5. Rent or utility costs change (only if you move).
6. Any change in the amount of any court-ordered child support.
7. If you are an Able Bodied Adult Without Dependents (ABAWD), you must report any time your work or training hours drop to less than 20 hours a week or 80 hours a month.

Voluntarily reporting Information

You may also voluntarily report changes to the County anytime. *Reporting some changes may get you more benefits.* For example:

- Someone in the house becomes pregnant.
- Someone on cash aid has a special need, such as: a pregnancy, a special diet prescribed by a doctor, household emergency, etc.
- For CalFresh, if someone disabled or age 60 or older has new or higher out of pocket medical costs.

**REPORTING CHANGES FOR CalWORKs
AND CALFRESH**

CASE NAME:	
CASE NUMBER:	
WORKER NUMBER:	

Because you get CalWORKs, you must report within 10 days when your TOTAL income reaches a certain level. You must report anytime your household's total monthly income is more than your current Income Reporting Threshold (IRT).

Your family size is	_____
Your current income is \$	_____
Your IRT is \$	_____

How to report?

If your total income is over the IRT amount listed above, you must report this to the County **within 10 days**. You can report this information to the County by calling the County or reporting it in writing.

By "total monthly income" we mean:

- ⇒ Any money you get (both earned and unearned).
- ⇒ The amount *before* any deductions are taken out. (Examples of deductions are: taxes, Social Security or other retirement contributions, garnishments, etc.)

What will happen?

- ⇒ Your benefits may be lowered or stopped based on income over your IRT.
- ⇒ Your IRT may change when your income changes or when someone moves in or out of your home.
- ⇒ The County will let you know in writing each time your IRT changes.
- ⇒ You also need to report during your annual redetermination/recertification (RD/RC) all income the RD/RC form asks about, even if you already reported that money.

Penalty for not reporting

If you do not report when your income is more than your household's IRT limit you may get more benefits than you should. You **must** repay any extra benefits you get based on income you do not report. If you do not report on purpose to try to get more benefits, this is fraud, and you may be charged with a crime.

If you get CalWORKs, you MUST ALSO report the things below within 10 days of when they happen:

1. Anytime someone moves into or out of your household.
2. Anytime someone joins, or is in your household, who has a conviction for a drug related felony *that was not reported before*.
3. Anytime someone joins, or is in your household, who is in violation of a condition of probation or parole.
4. Anytime someone joins, or is in your household, who is running from the law.
5. Anytime you have an address change.

If you get CalFresh, you MUST ALSO report the things below within 10 days of when they happen:

1. Income over your IRT.
2. If you are an Able Bodied Adult Without Dependents (ABAWD), you must report anytime your work or training hours drop to *less* than 20 hours a week or 80 hours a month.

Voluntarily reporting information

You may also voluntarily report changes to the County anytime. *Reporting some changes may get you more benefits.* For example:

- Someone in the house becomes pregnant.
- Someone on cash aid has a special need, such as: a pregnancy, a special diet prescribed by a doctor, household emergency, etc.
- For CalFresh, if someone disabled or age 60 or older has new or higher out of pocket medical costs.

MID-YEAR STATUS REPORT**For CalWORKs and CalFresh**

RECIPIENT'S NAME:

CASE NUMBER (IF KNOWN):

SOCIAL SECURITY NUMBER (OPTIONAL)

Use this form to report mandatory or voluntary changes that have occurred since your last redetermination/recertification (RD/RC).

If you are reporting income information, please provide proof, such as, pay stubs; copies of checks; letters from agencies, etc.

If you are reporting changes in expenses, please provide proof, such as, receipts; canceled checks, paid invoices; etc.

If you are reporting an address change, please provide proof of expenses such as, a copy of your new rental agreement or lease; rent receipt for your new address; copies of utility deposits; etc.

MANDATORY INFORMATION

If you receive CalWORKs, report the information marked CW. If you receive CalFresh, report the information marked CF. The change of address and voluntary information sections are for all households/assistance units.

- CW ☐ My combined household income is more than the limit for my household size.
In the month of _____, the total combined income for my household is \$ _____.
- CW/CF ☐ Someone in my household is a convicted drug felon.
Name of person _____
Date of felony conviction _____
- CW/CF ☐ Someone in my household is running from the law to avoid a felony conviction; running from the law, to avoid custody or confinement after a felony conviction; or is in violation of probation or parole.
Name of person _____
- CW/CF ☐ Someone moved into or out of my household. (Attach a separate sheet for additional persons.)
1. Did the person move In or Out? (circle one)
2. Name (First, Middle, Last) _____
3. Date of Birth (mm/dd/yyyy) _____
4. Relationship to you _____
5. Regularly purchase and prepare together? Yes/No (circle one)
- CW/CF ☐ I have moved, changed my phone number or have a new mailing address.
New home address _____
New mailing address (if different from your home address) _____
New phone number (_____) _____
- ☐ I receive free rent at this new address. ☐ I receive free utilities at this new address.
☐ My rent amount is \$ _____ per month. ☐ My utilities are \$ _____ per month.

MANDATORY INFORMATION - continued

- CF ☐ I have had a change in income (check one):
- ☐ Total monthly income has stopped.
 - ☐ Earned income changed by more than \$100.
 - ☐ Unearned income changed by more than \$50.
 - ☐ Source of income changed.
 - ☐ New income started.

- CF ☐ A change has occurred in the amount of court-ordered child support.

- CF ☐ Complete this section to report reduced work or training hours for Able-Bodied Adults Without Dependents:

The number of hours worked or in training dropped below 20 hours a week or 80 hours a month to _____ hours per week or _____ hours per month.

Name of person(s) _____

Relationship to you _____

Explain what happened _____

Date of change _____

VOLUNTARY INFORMATION (All households/Assistance Units)

I would like to report the following information:

CERTIFICATION

I UNDERSTAND THAT: If on purpose I do not report all facts or give wrong facts about my income, property, or family status to get or keep getting aid or benefits, I can be legally prosecuted. And, I may be charged with committing a felony if more than \$950 in cash aid and/or CalFresh is wrongly paid out.

I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained in this report are true and correct and complete for the entire report month.

WHO MUST SIGN BELOW:

For CalWORKs: you, your aided spouse, CA Domestic Partner or the other parent (of cash aided children) if living in the home.
For CalFresh: the head of household, responsible household member or the household's authorized representative.

Signature or Mark	Date Signed	Home Phone	Contact Phone
Signature of Spouse, Registered Domestic Partner, or Other Parent of Cash Aided Children	Date Signed	Signature of Witness to Mark, interpreter or other person completing form	Date Signed

**SENIOR PARENT
STATEMENT OF FACTS**

(Supplement to the SAWS 2)

CASE NAME

CASE NUMBER

The rules say that when a minor parent (up to age 18) applies for cash aid, we must count the income of the senior parent(s) living in the same home. We will figure how much of this income will be counted.

INSTRUCTIONS:

- Fill in this form and return it. Answer all of the questions about your parent(s) who lives with you.
- If we do not get a complete form, your cash aid and cash-based Medi-Cal may be **changed or stopped**.
- If you have questions, ask your worker.

1. Does your parent(s) get income, money, or benefits, such as: earnings; government benefits like Social Security, Unemployment/Disability Benefits (UIB/DIB), Supplemental Security Income/State Supplementary Payment (SSI/SSP), worker's compensation; railroad retirement, veterans or other private or government disability retirement; interest or dividends from stocks, bonds, savings accounts; child/spousal support; training payments; strike benefits; cash, gifts, loans, grants, scholarships; tax refunds; Earned Income Tax Credit (EITC); gambling/lottery winnings; rental income, rental assistance; free housing/utilities/clothing or food; insurance or legal settlements; etc.?				☐ YES	☐ NO
NAME	SOURCE	AMOUNT RECEIVED	HOW OFTEN		
		\$			
NAME	SOURCE	AMOUNT RECEIVED	HOW OFTEN		
		\$			
2. Does your parent(s) support other persons living in the home and claim them as Federal tax dependents? If YES, list name of person(s) and relationship.				☐ YES	☐ NO
NAME	RELATIONSHIP	NAME	RELATIONSHIP		
3. Does your parent(s) support anyone not living in the home and claim or could claim that person as a Federal tax dependent? If YES, give name of person(s), amount paid and ATTACH proof.				☐ YES	☐ NO
NAME	AMOUNT PAID	NAME	AMOUNT PAID		
	\$		\$		

CERTIFICATION

- I understand that if on purpose I do not report all facts, or give wrong information to get aid, I can be legally prosecuted. I can be charged with committing a serious crime if I get more than \$400 in aid that I am not supposed to get. And my cash aid can be stopped for a period of time. I may be fined up to \$10,000 and/or sent to jail or prison for up to 3 years.
- I understand that failing to report information or true facts can result in legal prosecution with penalties of a fine, imprisonment or both.
- I understand that I must call my worker to report any unexpected changes which may affect my eligibility for or the amount of my Cash Aid within 5 days of the change. If I am unsure about needing to report any changes, I must contact my worker.
- I understand that the facts I report may result in my benefits being denied, lowered or stopped.
- I understand that I have the right to request a State Hearing on any proposed action by the County Welfare Department.
- I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained in this report are true and correct and are complete for the entire report month.

YOU MUST SIGN AND DATE THIS REPORT OR IT WILL BE INCOMPLETE

SIGNATURE OF CASH AIDED MINOR PARENT

DATE SIGNED

COUNTY USE ONLY

Client Name _____

Case Number _____

Date _____

County _____

County Phone Number _____

Your CalWORKs Reporting Rules Have Changed.
Please Read This Carefully.

As of _____ (date), your CalWORKs case will change from Semi-Annual Reporting to Annual Reporting. This is because your case no longer includes aid for an adult. You will no longer have to complete the SAR 7 once a year. You will now only have to report once per year on your annual redetermination form (SAWS 2).

This won't be new as these were on-going SAR cases.

This notice has details on the Annual Reporting requirements. Ask your worker or call the County if you have questions about what to report and when.

You will get a separate notice about any changes to your CalFresh reporting requirements.

Reporting Rules

Under Annual Reporting you have no form you have to fill out and return other than the annual redetermination.

You still will get an appointment letter in the mail when your redetermination is due. Your aid will stop if you miss your redetermination appointment and don't make it up by the end of the month.

Example: On March 18, you get an appointment letter from the county that says your redetermination appointment is on April 4. If you miss the appointment and don't make it up by the end of the April, your case will be discontinued April 30th.

Income Reporting Threshold (IRT) Rules

You still need to report within 10 days if your total monthly income is more than the IRT amount. You have to report the income to the County **within 10 days**. By "total monthly income" we mean **any** money you get. Any time your IRT amount changes, the County will tell you in writing what the new income level is.

Under Annual Reporting, when you report income over your IRT, the County may lower or stop your benefits.

Example: If your IRT is \$900 and you get income of \$800 you do not have to report the change until your next redetermination. If you get income of \$901 or more, you must report it to the county within 10 days. Your benefits will go down or stop. The County will give you a notice 10 days before the change. If your benefits are lowered, the County will also tell you your new IRT amount.

Mandatory Reporting Rules

Under Annual Reporting, you must report anytime someone moves into or out of your home. Annual Reporting rules say you **MUST** report the following mid-year changes, verbally or in writing, within 10 days of the change:

- income over the IRT;
- someone moves into or out of your household;
- address changes;
- drug felony convictions;
- fleeing felon status; or
- a court finding that anyone violated a condition of probation or parole.

Voluntary Reporting Rules

There is no change to CalWORKs voluntary reporting rules under Annual Reporting. You may voluntary report any information (such as a decrease in income) that may increase your grant amount.

Welfare-to-Work Reporting Rules

If you get Welfare-to-Work services, you must continue to turn in all other reports and verifications required by the county. You need to turn in this proof to keep getting services like child care, transportation, and money for books.

Client Name _____
Case Number _____
Date _____
County _____
County Phone Number _____

The Rules for Your CalWORKs Case Have Changed.
Please Read This Carefully.

As of _____ (date), your CalWORKs case will change from Annual Reporting to Semi-Annual Reporting because your case now includes aid for an eligible adult. Under Semi-Annual Reporting, you are required to report two times per year instead of one time per year. One of those reports will be your annual redetermination/recertification form (SAWS 2). Six months after you complete your SAWS 2, a semi-annual eligibility status report (SAR 7) will be mailed to you and will tell you when it is due. You do not have to report when someone moves into or out of your home until your next report (SAWS 2 or SAR 7) is due. The Income Reporting Threshold (IRT) rules are the same under Semi-Annual Reporting: when you report income over your IRT, the county can decrease or stop your benefits.

This notice has details on the Semi-Annual Reporting requirements. Ask your worker or call the county if you have questions about what to report and when.

You will receive a separate notice about any changes to your CalFresh reporting requirements.

Reporting Rules

Under Annual Reporting, you were only required to complete a yearly redetermination of benefits. Under Semi-Annual Reporting, in addition to the annual redetermination, you are required to turn in a SAR 7 once a year (6 months after your annual redetermination). The SAR 7 will be sent to you in the mail.

Just like Annual Reporting, you will receive an appointment letter in the mail when your redetermination is due. If you miss your redetermination appointment and don't make it up by the end of the month, your aid will stop.

Example: On March 18, you receive an appointment letter from the county that says your redetermination appointment is on April 4. If you miss the appointment and don't make it up by the end of April, your case will be discontinued April 30th.

Income Reporting Threshold (IRT) Rules

The amount of income that you have to report within 10 days will remain the same under Semi-Annual Reporting. If your total monthly income is more than your IRT amount, you have to report the income to the county within 10 days. By "total monthly income" we mean any money you get. The county will tell you what your IRT is. Under Semi-Annual Reporting, the IRT is still based on your total income and the number of people in your household. Going over IRT can result in a decrease to your grant or your aid being stopped.

Example: If your IRT is \$1000 and you get income of \$800 you do not have to report the change until your next report (SAR 7 or SAWS 2). If you get income of \$1001 or more you must report it to your worker within 10 days. If the income will continue, your cash aid benefits will be lowered or stopped with 10 day notice.

Mandatory Reporting Rules

Most CalWORKs mandatory reporting rules are the same under Semi-Annual Reporting as under Annual Reporting. Semi-Annual Reporting rules say you **MUST** report the following changes, verbally or in writing, within 10 days of the change:

- income over the IRT;
- address changes;
- drug felony convictions;
- fleeing felon status; or
- violations of conditions of probation or parole.

Voluntary Reporting Rules

There is no change to CalWORKs voluntary reporting rules under Semi-Annual Reporting. You may voluntarily report any information (such as a decrease in income or someone without income moving into your home) that may increase your grant amount. If you report something voluntarily that would result in a decrease to your grant amount, the county will not reduce your aid until you report the information on your next mandatory report.

Welfare-to-Work Reporting Rules

If you get Welfare-to-Work services, you must continue to turn in all other reports and verifications required by the county. You need to turn in this proof to keep getting services like child care, transportation, and money for books.

REPORTING CHANGES FOR CASH AID AND FOOD STAMPS

CASE NAME:

CASE NUMBER:

WORKER:

WORKER NUMBER:

If you receive Cash Aid, what you MUST report even when it is not your report month.

Anytime your family's combined gross monthly income, both earned and unearned, is more than the Income Reporting Threshold (IRT) for your family size, you must report this information to the County within ten (10) days. You can report this information to the County by calling your worker or reporting it in writing.

Your family size is _____ your IRT is \$ _____.

The County will let you know each time your IRT changes.

Gross income means the amount of your income before any deductions, such as taxes, Social Security and retirement contributions, overpayment collections, wage garnishments or attachments, etc.

Failure to report when your income is more than the IRT limit for your family's size may result in your benefits being overpaid. Any overpaid benefits caused by your failure to report **MUST** be repaid. You may also be subject to fraud charges/penalties if you do not report required information to the County.

How to figure your family's gross income.

Each month, add all of your family's income both earned and unearned (wages or earnings, salary, disability income, unemployment, public benefits, etc.). If the total is more than the amount shown on this letter, you must report this income to the County. Families that only have unearned income or that only get Food Stamps will not be required to report income except on the Quarterly Report form.

If you receive Cash Aid, you MUST also report this information even when it is not your report month.

- Anyone in your household who has been convicted of a drug-related felony for possession, use or distribution of a controlled substance(s), has become a fleeing felon or is in violation of a condition of probation or parole and you have not already reported it.
- Anytime you have an address change, you must report your new address to the County.

If you receive Food Stamps, you MUST report this information even when it is not your report month.

- If you are an Able Bodied Adult Without Dependents (ABAWD) Food Stamp recipient, you must report anytime the number of hours you work or are in training drop to less than 20 hours a week or 80 hours a month.
- Anytime you have an address change, you must report your new address to the County.

Voluntarily reporting information

You may report changes to the County anytime you think the change will result in your Cash Aid or Food Stamp benefits going up. For example.

- Your income stops or goes down;
- Someone who has income has moved out of your home;
- Someone moves into your home and has no income;
- Your minor child becomes pregnant and is eligible for Cal-Learn services;
- CalWORKs special needs that you or someone in your household may have such as, pregnancy special needs, a special diet prescribed by a doctor, etc;
- The birth of a child;
- For Food Stamps: Anyone in your household who is disabled or age 60 or older may report new medical costs that are not currently being used to figure your Food Stamp benefits.

At anytime, you can also ask the County to discontinue your entire case or any individual person who leaves the home or is not required to be in the assistance unit. You can also ask the County to stop other benefits, such as: Medi-Cal or Food Stamps. Receiving Medi-Cal and/or Food Stamps only will not count against your Cash Aid time limits.

MID-QUARTER STATUS REPORT

For Cash Aid and Food Stamps

RECIPIENT'S NAME: _____	CASE NUMBER (IF KNOWN): _____
-------------------------	-------------------------------

Use this form to report mandatory or voluntary changes that have occurred since your last Quarterly Report (QR 7/SAWS QR 7).

If you are reporting income information, please provide proof, such as, pay stubs; copies of checks; letters from agencies, etc.

If you are reporting changes in expenses, please provide proof, such as, receipts; canceled checks, paid invoices; etc.

If you are reporting an address change, please provide proof of expenses such as, a copy of your new rental agreement or lease; rent receipt for your new address; copies of utility deposits; etc.

MANDATORY INFORMATION

If you receive Cash Aid, report the information marked CA. If you receive Food Stamps, report the information marked FS. The change of address and voluntary information sections are for all households/assistance units.

CA ☐ My combined household income is more than the limit for my household size.
In the month of _____, the total combined income for my household is \$ _____.

CA ☐ Someone in my household is a convicted drug felon.
Name of person _____
Date of felony conviction _____

CA ☐ Someone in my household is running from the law to avoid a felony conviction; running from the law, to avoid custody or confinement after a felony conviction; or is in violation of probation or parole.
Name of person _____

CA/FS ☐ I have moved, changed my phone number or have a new mailing address.
New home address _____
New mailing address (if different from your home address) _____
New phone number (_____) _____

- ☐ I receive free rent at this new address.
- ☐ My rent amount is \$ _____ per month.
- ☐ I share the rent (explain) _____

- ☐ I receive free utilities at this new address.
- ☐ My utilities are \$ _____ per month.
- I have:
 - ☐ Heating ☐ Cooling
 - ☐ Water ☐ Sewer
 - ☐ Garbage ☐ Telephone
 - ☐ Other _____

See other side

MANDATORY INFORMATION - continued

FS ☐ Complete this section to report reduced work or training hours for Able-Bodied Adults without Dependents (ABAWDs):

The number of hours worked or in training dropped below 20 hours a week or 80 hours a month to _____ hours per week or _____ hours per month.

Name of person(s) _____

Relationship to you _____

Explain what happened _____

Date of change _____

VOLUNTARY INFORMATION (All households/Assistance Units)

I would like to report the following information:

CERTIFICATION

I UNDERSTAND THAT: If on purpose I do not report all facts or give wrong facts about my income, property, or family status to get or keep getting aid or benefits, I can be legally prosecuted. And, I may be charged with committing a felony if more than \$400 in cash aid and/or food stamps is wrongly paid out.

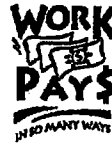
I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained in this report are true and correct and complete.

WHO MUST SIGN BELOW:

For Cash Aid: you, your aided spouse or CA Domestic Partner and the other parent (of cash aided children) if living in the home.
For Food Stamps: the head of household, household member or the household's authorized representative.

Signature or Mark	Date Signed	Home Phone	Contact Phone
Signature of Spouse or CA Domestic Partner or other Parent of Cash Aided Children	Date Signed	Signature of Witness to Mark, interpreter or other person completing form	Date Signed

ELIGIBILITY/STATUS REPORT



PLEASE SIGN THE FORM AFTER SUBMIT MONTH 1ST AND RETURN IT BY THE 5TH OF THE MONTH.

NEED HELP? CALL YOUR WORKER.

Worker Name: _____

Worker Phone: _____

BAR CODE: _____

Please Stop My Benefits For: ☐ Cash Aid ☐ Food Stamps ☐ Medi-Cal at the end of this month. Sign and date the last page. Return the form to your worker. You can reapply at any time.

PART 1: Please tell us what happened in

REPORT MONTH YEAR

1. Did you or anyone get any income or money from any source this MONTH? If "YES", list below and ATTACH PROOF. ☐ YES ☐ NO

Earnings: Babysitting, interest or dividends, rental income, salary, self-employment, sick pay, tips, vacation pay, etc. **Any Government Benefits:** State Disability Indemnity (SDI), Social Security, Supplemental Security Income/State Supplementary Payment (SSI/SSP), other government disability or retirement, rental assistance, unemployment, veteran's retirement, Worker's Compensation (UIB), etc. **Other Benefits:** Child/spousal support, insurance or legal settlements, other private disability or retirement, railroad retirement, strike benefits, etc. **Other:** Cash, gifts, loans, scholarships, etc. **Income In-Kind:** Such as earned housing, free housing/utilities/clothing/food, etc.

Who got the income?	From?	Gross amount	\$	\$	\$	\$	\$
		Date received					
Who got the income?	From?	Gross amount	\$	\$	\$	\$	\$
		Date received					
Who got the income?	From?	Gross amount	\$	\$	\$	\$	\$
		Date received					

1a. Number of hours worked or in training in this MONTH:

Who worked?	Where?	Total Hours	Who worked?	Where?	Total Hours
Who trained?	Where?	Total Hours	Who trained?	Where?	Total Hours

1b. If the income or money reported above will change in the next three months after the SUBMIT MONTH, please explain and ATTACH PROOF.

Name of person	Source of income or money	Why will it change?	How much will you get?		
			First Month	Second Month	Third Month
			\$	\$	\$
			\$	\$	\$

Questions 2, 3, 4, and 5 may help you get more Food Stamps

2. Medical Costs: Did anyone who gets Food Stamps and is disabled or 60 years or older pay medical costs? ☐ YES ☐ NO
If "YES", list the amount paid below and ATTACH PROOF of payment.

Who paid?	Who gets care?	Amount
		\$

3. Dependent Care: Did anyone who gets Food Stamps pay for the care of a child, disabled person, or other dependent while working, seeking work, or attending school or training? ☐ YES ☐ NO
If "YES", list the amount paid below and ATTACH PROOF of payment.

Who paid?	Who gets care?	Amount
		\$

COUNTY USE SECTION

4. Child Support: Did anyone who gets Food Stamps pay court-ordered child support? ☐ YES ☐ NO
If "YES", list the amount paid below and ATTACH PROOF of payment.

Who paid?	Amount \$	Who paid?	Amount \$
-----------	-----------	-----------	-----------

5. If the information in Question 2, 3, or 4 will change in the next three months after the SUBMIT MONTH, check the box(es) below, please explain and ATTACH PROOF.

	Who pays?	Amount \$	Who gets care?	What changed?	When will it change?
Medical Costs ☐					
Dependent Care ☐					
Court-Ordered Child Support ☐			For whom?	Attach new court order	When will it change?

PART 2: What Has Happened SINCE Your Last Report?

6. Did anyone get, buy, sell, trade, or give away any property (land, home, cars, bank accounts, money payments (such as: lottery or casino winnings, retroactive social security, tax refunds), other)? If "YES", list all items below and ATTACH PROOF. ☐ YES ☐ NO

Who owns, sold, traded, or gave away?	Type of Property	When?	Value \$	☐ Bought ☐ Sold ☐ Won	☐ Gift Received ☐ Traded ☐ Gave Away
---------------------------------------	------------------	-------	----------	--	---

Checking Account ☐ Opened ☐ Closed Balance \$ Savings Account ☐ Opened ☐ Closed Balance \$

7. Has anyone moved into or out of your home, or did you move in with someone else? ☐ YES ☐ NO
If "YES", complete below.

Full name of person	Relationship to you	Moved in or out?	When?

8. Has anyone in your family been convicted of a drug related felony for possession, use, or distribution; avoiding or running from any felony prosecution, custody, or confinement; or in violation of probation or parole? ☐ YES ☐ NO

If "YES", name: _____ Where convicted? _____ Date of conviction: _____

9. Have any of the following or any other changes happened to anyone in your home? ☐ YES ☐ NO
If "YES", check the box(es) below and ATTACH PROOF.

- ☐ Family Change (Married, divorced, separated, registered a California Domestic Partnership (DP), have a non-California DP, ended a DP, became pregnant, had a baby, or no longer pregnant?)
- ☐ Disability (Became disabled or recovered from a disability or major illness?)
- ☐ Work (Started or stopped working, refused a job or training, number of hours worked or in training went up or down, or went out on strike?)
- ☐ Immigration (Citizenship or immigration status change, or got a new card, form, or letter from USCIS (INS)?)
- ☐ Insurance (Started, stopped, or changed health, dental, or life insurance benefits, including MEDICARE?)
- ☐ Custody (Any change in the amount of time you care for/have custody of your children?)
- ☐ In-Home Supportive Services (Started or stopped getting services?)
- ☐ School Attendance
 - For Cash Aid Only - Student age 6 - 18 stopped or started attending school regularly?
 - Age 16 or older student started or stopped school/college? (You may be able to claim costs for books, school transportation, etc.)

☐ Other _____

If you checked "YES" for any of these, please fill out below. Attach a separate sheet of paper if needed:

Name of person(s)	Relationship to you	What happened?	When

ADDRESS CHANGE

Fill in this section ONLY if you have moved or have a new mailing address. If you are getting Food Stamps, you may be asked to provide proof of your new shelter costs.

NEW Home Address (Number, Street Name, Avenue, Blvd., Etc.) Apt. No	City	State	Zip Code	New Phone Number ()

Date Moved	NEW Mailing Address (If different from Home Address)	City	State	Zip Code

Do you have housing costs at this new address?

☐ YES ☐ NO If yes, how much? \$ _____

Do you have to pay heating/cooling costs separate from your housing cost?

☐ YES ☐ NO If yes, how much? \$ _____

CERTIFICATION - FRAUD WARNING

I UNDERSTAND THAT: If on purpose I do not report all facts or give wrong facts about my income, property, or family status to get or keep getting aid or benefits, I can be legally prosecuted. I may also be charged with committing a felony if more than \$400 in Cash Aid, and/or Food Stamps is wrongly paid out as a result of such an action. I have received a copy of the Instructions and Penalties for the Eligibility/Status Report for Cash Aid and Food Stamps.

YOU MUST SIGN AND DATE THIS REPORT AFTER THE LAST DAY OF THE MONTH THIS REPORT IS FOR OR IT WILL BE CONSIDERED INCOMPLETE. I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained in this report are true and correct and complete.

WHO MUST SIGN BELOW: For Cash Aid: you and your aided spouse, domestic partner, and the other parent (of cash-aided children) if living in the home. For Food Stamps: the head of household, a responsible household member, or the household's authorized representative.

SIGNATURE OR MARK	DATE SIGNED	HOME PHONE ()	CONTACT/CELL PHONE ()
SIGNATURE OF SPOUSE, DOMESTIC PARTNER, OR OTHER PARENT OF CASH AIDED CHILD(REN)	DATE SIGNED	SIGNATURE OF WITNESS TO MARK, INTERPRETER, OR OTHER PERSON COMPLETING FORM	DATE SIGNED

HOW TO FILL OUT YOUR QR 7 QUARTERLY ELIGIBILITY/STATUS REPORT

For Cash Aid and Food Stamps

- Save this notice to help you fill out your QR 7 (Quarterly Eligibility/Status Report) if you need help filling out your report, tell your worker.
- If you do not send in a complete report including, but not limited to, answering all questions on the QR 7 and attaching proof when we ask for it, your benefits may be delayed, changed, or stopped. **Attach a separate sheet of paper if needed.**
- Changes that may affect your eligibility for Cash Aid or Food Stamps that you are required to report, must be reported within 10 days.
- Facts you report may result in your benefits going up, down, or being stopped.



INSTRUCTIONS

HOW OFTEN YOU MUST COMPLETE THE QR 7

For Cash Aid and Food Stamps you must turn in a complete QR 7 once every quarter (every three months). The County will tell you when you are supposed to turn in your completed QR 7.

REPORTING FOR PEOPLE WHO ARE LIVING IN YOUR HOME

If your family gets Cash Aid (no Food Stamps), report facts for:

- All children-natural, adopted, and stepchildren.
- All parents-natural, adoptive, and stepparent.
- Other aided relatives of the child.
- Yourself and your spouse or registered domestic partner.
- Anyone who is temporarily absent from the home.

If your family gets Cash Aid and Food Stamps you must also report facts for:

- All related adults.
- Others who buy and prepare food with you.

If your family gets Food Stamps only, you must report facts for:

- All children.
- All related adults.
- Others who buy and prepare food with you.

REQUEST TO STOP BENEFITS

- If you ask to have your Cash Aid stopped, your Medi-Cal may also be stopped or changed. You may not be eligible for Medi-Cal or you may have to pay a share of cost of it.
- On the QR 7, complete the request to stop benefits section only if you want to stop any of your benefits. Check the benefits you want stopped and sign and date the QR 7. If you only want to stop some of your benefits and keep others, you must fill out the rest of the QR 7.
- You can also request to stop your benefits by calling your worker.

FACTS YOU MUST REPORT FOR EACH QUESTION

Part 1: Questions 1 (except for question 1b) through 4 are about what happened in the report month.

Question number:

- ① Any earnings, training allowances, or other money anyone got. Such as wages, vacation pay, cash bonuses, In-Home Supportive Services (IHSS) pay, child or spousal support; Social Security; Supplemental Security Income/State Supplementary payment (SSI/SSP); Unemployment/Disability Insurance; worker's compensation; any other type of disability or retirement; lottery winnings; insurance or legal settlements; rental income or assistance; free housing/utilities/clothing/food; or anything else. List the name of the person(s) who got the money, where they got the money from, the date the person(s) actually got the money, and the gross amount they got (this means the amount before any taxes or deductions). Attach proof such as, check stubs, copies of checks or statements from the employer, award letters from the agency you got the money from, etc. If self-employed, and you want to claim actual expenses, list all business expenses on a separate sheet of paper. Attach proof such as, receipts or paid invoices, etc. If you want to figure your business costs by using the standard 40 percent deduction of your verified income, you do not need to list your business expenses.

- 1b List the name of anyone who worked or trained, where, and the total hours for the month.

- 1b Any income or money you expect will change in the next three months after the submit month. List the name of the person whose income or money will change, the source, why it will change, and the total gross amount for each month. Attach proof.
- ② If anyone who gets Food Stamps and is disabled or 60 years or older paid medical costs, list the name of the person who paid it, who got the medical care, and the amount they paid. Attach proof of payment.
- ③ If anyone who gets Food Stamps paid for the care of a child, disabled person, or other dependent while working, looking for work, or while they were in school or training during the report month, list the name of the person who paid it, who received the care, and the amount they paid. Attach proof of payment.
- ④ If anyone who gets Food Stamps paid court-ordered child support, list the name of the person who paid it and the amount they paid. Attach proof of payment.
- ⑤ If the expenses in Questions 2, 3, and 4 will change in the next three months after the submit month, list the medical expenses for someone who is age 60 or older; child/dependent care; and child support. List the name of the person who paid it, the amount they paid, who received the care or the child who got the support, what changed, and when will it change. Attach proof of payment.

Part 2: Questions 6 through 9 are about what has happened since your last quarterly report.

- ⑥ Anyone who got, bought, sold, trade, or gave away any of the following property: land, home, cars, bank accounts, money payments (lottery or casino winnings, retroactive social security, tax refunds), etc. List who owns or owned the property, the type of property, when it changed, the value of the property, and what happened. Attach proof.
- ⑦ Anyone who moved into or out of your home or if you moved in with someone else. This includes; newborns; people who are temporarily absent from your home; anyone who died, entered or left a hospital or institution (including a penal institution), etc. List the name of the person who moved in or who you moved in with, their relationship to you, what happened, and the date it happened.
- ⑧ Anyone in your home who has been convicted of a drug-related felony for possession, use, or distribution of a controlled substance(s) or who is avoiding or running from the law to avoid felony prosecution, custody, or confinement or is in violation of probation or parole. List the name of the person, where they were convicted, and date they were convicted. If you have previously reported the information to the County on a past quarterly report, you do not need to report the same information each quarter.
- ⑨ Other facts that could change your eligibility or the amount of your benefits: marriage, divorce, separation, a California Domestic Partnership (DP), other state DP, ended a DP, became pregnant, had a baby, no longer pregnant; became disabled or recovered from a disability/major illness; starting or stopped working, refused a job or training, hours worked or trained changed, went on strike; citizenship or immigration status changed or got new documentation from USCIS; started, stopped, or changed health, MEDICARE, dental, or life insurance benefits; any change in time of care or custody of your children; started or stopped getting In-Home Supportive Services; student ages 6 - 18 stopped or started attending school regularly; student ages 16 or older stopped or started attending school/college.

SEE OTHER SIDE FOR MORE INFORMATION

ADDRESS CHANGE

Give us the facts about any changes in your address or phone number. If you are getting Food Stamps you may be asked to give proof of new housing costs like rent and utilities. If your housing costs increased because of the move be sure to list the new amounts.

WHO MUST SIGN THE QR 7

- **For Cash Aid:** You and your aided spouse, registered domestic partner, and the other parent of the aided child(ren) if they live in your home.
- **For Food Stamps:** The head of household, an adult household member or the household's Authorized Representative.
- **And:** Any other person who fills out the report, an interpreter or the witness to your mark.

WHAT WE MEAN WHEN WE SAY

AVOIDING OR RUNNING FROM THE LAW TO AVOID PROSECUTION, CUSTODY OR CONFINEMENT: A person is considered avoiding or running from the law if an arrest warrant has been issued and the person knew or should have known from the facts that the law was looking for them.

CASH AID: CalWORKs (California Work Opportunity and Responsibility to Kids) and Refugee Cash Assistance.

CONTROLLED SUBSTANCE: Any drug whose availability is restricted by federal or state law, including but not limited to, narcotics, stimulants, depressants, hallucinogens and marijuana.

COMPLETE QR 7: A QR 7 is "complete" only when:

- All of the YES/NO questions are answered, and
- All of the information is filled in, and
- All of the proof is attached when the form asks for it, and
- All of the required signatures are on the form, and
- The form is signed and dated after the last day of the report month.

COURT ORDERED CHILD SUPPORT: The payment a legal document or court of law says you must make to a person for a child who is not in your home. Include payments made by a stepparent.

GROSS AMOUNT: The amount of your paycheck before deductions are taken out for taxes, social security, etc.

IN VIOLATION OF PROBATION OR PAROLE: Probation or parole was revoked or an arrest warrant was issued. The original crime for which probation or parole was ordered could be for a felony or misdemeanor.

REPORT MONTH: The month shown in Part 1 of the QR 7.

SUBMIT MONTH: The month shown in the header at the top of the QR 7.

CERTIFICATION SECTION

- You must sign the QR 7 "under penalty of perjury." This means that you swear under oath that the facts you give us are true, correct and complete.
- Perjury and fraud are crimes punishable by law.

PENALTIES FOR CASH AID WELFARE FRAUD: If on purpose you do not follow Cash Aid rules, your Cash Aid can be lowered for a period of time and you may be fined up to \$10,000 and/or sent to jail or prison for up to 3 years.

Your Cash Aid can be stopped:

- For not reporting all facts or for giving wrong facts: 6 months for the first offense, 12 months for the second offense, or forever for the third.
- For submitting one or more application to get aid in more than one case for the same time period: 2 years for the first conviction, 4 years for the second, and forever for the third.
- For conviction of felony fraud to get aid: 2 years for theft of amounts under \$2,000; 5 years for amounts of \$2,000 through \$4,999.00; and forever for amounts of \$5,000 or more.
- Forever: for giving the county false proof of residency in order to get aid in two or more counties or states at the same time; giving the county wrong facts for an ineligible child or a child that does not exist; getting more than \$10,000 in cash benefits through fraud; getting a third conviction for fraud in a court of law or an administrative hearing.

PENALTIES FOR FOOD STAMP FRAUD: If you purposely do not follow Food Stamp rules, your Food Stamps can be stopped for 12 months for the first violation, 24 months for the second, and forever for the third. You may be fined up to \$250,000 and/or sent to jail/prison for 20 years.

- If you are found guilty in any court of law or administrative hearing because:
- You traded or sold Food Stamps for firearms, ammunition, or explosives, your Food Stamps can be stopped forever for the first violation.
- You traded or sold Food Stamps for controlled substances, your Food Stamps can be stopped for 24 months for the first violation and forever for the second.
- You traded or sold Food Stamps that were worth \$500 or more, your Food Stamps can be stopped forever.
- You gave the county false identify or residence information, so you can get Food Stamps in more than one case at the same time, your Food Stamps can be stopped for 10 years.

DO NOT FORGET:

- If your report is late, not complete or not turned in, your benefits may be late, changed or stopped.
- If your report is not complete when you turn it in, you will be asked to complete it again.
- If you sign and date your report before the last day of the report month, you will be asked to sign and date it again.
- If you are not sure how to report, what to report or what proof you need to send in, ask your worker.
- If your Cash Aid stops, you may still be eligible for Food Stamp benefits even if you are now employed.
- If your Cash Aid stops, you may still be eligible for no-cost or low-cost health coverage under Medi-Cal.

SPONSORED NONCITIZENS APPLYING FOR OR RECEIVING CASH AID AND/OR FOOD STAMPS

Important Information For Noncitizens Sponsored By Individuals

As a noncitizen who is sponsored by an individual(s), you must meet special conditions to receive Cash Aid and/or Food Stamps.

The Special Conditions Are:

- Your sponsor's income and resources will have to be reviewed for you to receive benefits. Your sponsor must provide information on the attached form. Both you and your sponsor must sign this form.
- If your application is approved, you and your sponsor will have to complete quarterly income and resource reports for Cash Aid and Food Stamp benefits. If your sponsor does not provide this information, your benefits may be changed or stopped. Family members who are not sponsored and are otherwise eligible can get and continue to get their benefits.
- You are the person responsible for getting all the information requested to the county welfare department for both you and your sponsor.

Important Information For Sponsors

The noncitizen you sponsor has applied for Cash Aid and/or Food Stamps. If you completed an affidavit of support, State regulations require the county welfare department to evaluate your income, resources, and property in deciding whether or not the noncitizen applicant can get benefits. Sponsorship is normally for an indefinite period of time. This form must be completed and signed by you under penalty of perjury. If you are living with your spouse or your spouse has signed an affidavit of support, your spouse's income, resources, and property are also counted.

If the noncitizen's application for Cash Aid is approved, **each quarter** you will have to report your income, resources, and property on the Sponsor's Quarterly Income and Resources Report (QR 72). The noncitizen will provide you with the report form. Your report must be completed and returned to the noncitizen immediately to ensure the noncitizen's continued eligibility. Each quarter, resources and a portion of your income will be used to determine the noncitizen's continued eligibility and benefits.

If the noncitizen receives benefits to which he or she is not entitled because you failed to accurately report information, you and/or the noncitizen may have to repay these benefits.

SPONSOR'S STATEMENT OF FACTS INCOME AND RESOURCES

(Supplemental Application For Food Stamps And Cash Aid)

INSTRUCTIONS: PLEASE ANSWER THE FOLLOWING QUESTIONS FOR YOURSELF AND YOUR SPOUSE (IF LIVING TOGETHER OR IF SPOUSE HAS SIGNED AN AFFIDAVIT OF SUPPORT) AND RETURN IT TO THE NONCITIZEN IMMEDIATELY.

Noncitizen Name and Address

COUNTY USE ONLY

CASE NAME: _____
CASE NO: _____
WORKER NO: _____

☐

Proof may be needed to verify answers to the following questions. Attach proof when the form asks for it.

① YOUR NAME (FIRST, MIDDLE, LAST) TELEPHONE NUMBER
()

HOME ADDRESS (NUMBER, STREET, CITY, STATE, ZIP CODE)

MAILING ADDRESS (IF DIFFERENT THAN HOME ADDRESS)

② YOUR SPOUSE'S NAME (IF LIVING TOGETHER OR SIGNED AN AFFIDAVIT OF SUPPORT) (FIRST, MIDDLE, LAST) HAS SPONSOR'S SPOUSE SIGNED AN AFFIDAVIT OF SUPPORT? ☐ Yes ☐ No

③ Do you or your spouse get assistance such as: California Work Opportunity and Responsibility to Kids (CalWORKs), Food Stamps, or Supplemental Security Income (SSI)? If Yes, complete below: ☐ Yes ☐ No

Case Name	Date of Birth	Type of Assistance	County	State

If both you and your spouse get Assistance and the noncitizen is not applying for Food Stamps, complete only the Certification section on Page 3 and return the form. For all others, go to Question ④.

④ A. Have you or your spouse sponsored any other noncitizen's entry into the United States? ☐ Yes ☐ No
If Yes, complete below using the I-864, I-864A or the I-134:

Noncitizen Name	Noncitizen Address	Date of Admission to U.S.

B. Are any of the noncitizens listed in ④A receiving any type of assistance such as: CalWORKs, Food Stamps or SSI? ☐ Yes ☐ No
If Yes, complete below:

Type of Assistance	Date First Applied	County	State

⑤ Do you or your spouse have other persons who are claimed or could be claimed as dependents for federal income tax purposes? ☐ Yes ☐ No
If Yes, complete below:

Name of Person(s)	Does Person Live With Sponsor
	☐ Yes ☐ No
	☐ Yes ☐ No
	☐ Yes ☐ No
	☐ Yes ☐ No
	☐ Yes ☐ No

VERIFIED:

☐ Letter on File
☐ Verbal Communication
☐ Other: _____

VERIFIED:

☐ Affidavit of Support on File
☐ I-864
☐ I-864A
☐ I-134
☐ Other: _____

☐ Verified

☐ Verified

☐ IRS Form 1040 Reviewed

☐ Other: _____

Claimed ☐ Yes ☐ No

Claimed ☐ Yes ☐ No

Claimed ☐ Yes ☐ No

Claimed ☐ Yes ☐ No

Claimed ☐ Yes ☐ No

6 Are you or your spouse currently employed? ☐ Yes ☐ No If Yes, complete section below. Attach paystubs or other proof of earnings. If you or your spouse are self-employed, list business expenses on a separate sheet of paper and attach proof of income and expenses.							COUNTY USE ONLY	
Name	Name of Employer	Gross Pay (Before Deductions)	How Often Paid (Weekly, Monthly, etc.)	Commissions or tips	Number of Tax Dependents Claimed	Check if Exempt	Enter Date Viewed Pay Stubs Other	
		\$		\$		☐ Yes ☐ No		
		\$		\$		☐ Yes ☐ No		

7 Do you or your spouse receive or expect to receive any other income such as: Social Security, Unemployment/Disability Insurance, Child/Spousal Support, Veterans Benefits, etc? ☐ Yes ☐ No If Yes, complete section below and attach proof of the income.						
Name	Type of Income	Amount	How Often Received	Check if Exempt	Specify Verification and Date Reviewed:	
		\$		☐ Yes ☐ No		
		\$		☐ Yes ☐ No		

8 Do you or your spouse have any of the following resources? Check each item. If Yes, explain below.						
Resource	Sponsor	Spouse	Resource	Sponsor	Spouse	
Checks or Money (At Home or Elsewhere)	☐ Yes ☐ No	☐ Yes ☐ No	Trust Funds	☐ Yes ☐ No	☐ Yes ☐ No	
Checking, Savings, Credit Union Account	☐ Yes ☐ No	☐ Yes ☐ No	Stocks, Bonds, Certificates	☐ Yes ☐ No	☐ Yes ☐ No	
Notes, Mortgages, Trust Deeds, Sales Contracts	☐ Yes ☐ No	☐ Yes ☐ No	Other (Specify below)	☐ Yes ☐ No	☐ Yes ☐ No	

Type of Resource	Owner	Current Value	Location (Home, Bank, Address, etc.)	Account Number	Check if Exempt
		\$			☐ Yes ☐ No
		\$			☐ Yes ☐ No
		\$			☐ Yes ☐ No

9 Do you or your spouse own (or are you buying) any real property, such as: a house, land, building, etc. If Yes, complete section below: ☐ Yes ☐ No								
Name	Type of Property	Address/Location	How Used? (Home, Rent, etc.)	Balance Owed	Value	Name of Mortgage Co.	Check if Exempt	Date Registration and Records Viewed
				\$	\$		☐ Yes ☐ No	
				\$	\$		☐ Yes ☐ No	

10 Do you or your spouse own or use or are you buying any motor vehicles, such as: a car, truck, boat, trailer, van, camper, motorcycle, etc. If Yes, complete section below: ☐ Yes ☐ No						
Name	Year, Make, Model	License Number and State of Registration	Amount of current License Fee	Balance Owed	Check if Exempt	Vehicle Valuation 1. \$ _____ 2. \$ _____
					☐ Yes ☐ No	
					☐ Yes ☐ No	

11 Do you or your spouse who receive income pay any court ordered support? ☐ Yes ☐ No If Yes, enter the monthly amount \$ _____ Who pays? _____							☐ Verified ☐ Verified
12 Do you or your spouse make support payments to other persons not living in your home? ☐ Yes ☐ No If Yes, complete section below:							
Who Pays		To Whom Paid (Name)			Amount Paid		
							\$
							\$
							\$
							\$

13 Do you or your spouse own or use personal property or resources such as: Jewelry, equipment, instruments, livestock, etc.? Do not list clothing, wedding rings, rugs, furniture, appliances, other household furnishings. If Yes, complete section below: ☐ Yes ☐ No						
Name	Name of Item	Date of Purchase	Purchase Price	Gift	Amount Owed	Net Market Value
			\$	☐ Yes ☐ No		1. _____
			\$	☐ Yes ☐ No		2. _____
			\$	☐ Yes ☐ No		3. _____
			\$	☐ Yes ☐ No		4. _____

CERTIFICATION

- I understand that if on purpose I don't give the right facts or all the facts for the CalWORKs, Food Stamp or cash-based Medi-Cal Programs, I can be punished and I can be legally accused of the crime of fraud. If I am found guilty of committing fraud, I can be fined up to \$10,000 for CalWORKs and \$250,000 for Food Stamps. And, I can go to jail/prison for up to 5 years for CalWORKs and 20 years for Food Stamps. In the CalWORKs and Food Stamp Programs, my benefits can be stopped for 6 months, 12 months, 2 years, 4 years, 5 years, 10 years or forever.
- I understand that the information provided on this form may be verified by local, state and federal agencies.
- I understand that the noncitizen's case, including my statement, may be selected for an additional review to ensure that the noncitizen's eligibility was determined correctly.
- I understand that I may be required to repay any benefits which are overpaid because of incorrectly or incompletely reported information.

- If the noncitizen is applying for Cash Aid, both you and your spouse must sign the form. If the noncitizen is applying for Food Stamps only, either you or your spouse must sign the form.

SPONSOR'S CERTIFICATION:

- I understand that the term for Sponsorship is normally an indefinite period of time.
- I declare under penalty of perjury under the laws of the United States of America and the State of California that the above information contained on this statement of facts is true, correct, and complete.

SPONSOR'S SIGNATURE OR MARK	DATE
SPONSOR'S SPOUSE'S SIGNATURE OR MARK (IF LIVING WITH SPOUSE OR HAS SIGNED AN AFFIDAVIT OF SUPPORT)	DATE
SIGNATURE OF WITNESS TO MARK, INTERPRETER, OR OTHER PERSON COMPLETING FORM	DATE

- If the noncitizen is applying for Cash Aid, the noncitizen must sign this form. If the noncitizen is applying for Food Stamps only, the form must be signed by the noncitizen, the head of household, a household member, or an authorized representative.

NONCITIZEN'S CERTIFICATION:

- I have reviewed this signed and completed form from my sponsor(s). I declare under penalty of perjury under the laws of the United States of America and the State of California that it is true, correct, and complete to the best of my knowledge.

NONCITIZEN'S OR DECLARANT'S SIGNATURE OR MARK	DATE
SIGNATURE OF WITNESS TO MARK, INTERPRETER, OR OTHER PERSON COMPLETING FORM	DATE

COUNTY USE ONLY

Evaluation of Sponsor/Sponsor's Spouse Real/Personal Property Resources		CalWORKs Sponsor/Sponsor's Spouse Income Computation		Food Stamp Sponsor/Sponsor's Spouse Computation	
A. ITEMS	VALUE	A. Earned Income	\$	A. Earned Income	\$
	\$	B. Unearned Income	+	B. Less 20%	-
	\$	C. Subtotal	=	C. Unearned Income	+
	\$	D. Total number of sponsored noncitizens applying for/receiving CalWORKs		D. Gross Income Deduction for Sponsor's household size	-
B. Total	\$	E. Divide C by D	=	E. Subtotal	=
	CW FS	F. Number of sponsored noncitizens in this AU		F. Total number of sponsored noncitizens replace applying for/receiving Food Stamps	
C. Less: Food Stamp Deduction (\$1500)	NA \$1500	G. Total (Multiply E by F)	=		
D. Equals Subtotal	=				
E. Total number of sponsored noncitizens applying for/receiving CW/FS					
F. Total (Divide D by E)	=				
Amount in F to be included in each noncitizen's property limits.		Amount in G to be deemed income for entire AU.		Amount in G to be deemed income for each sponsored noncitizen.	

WORKER SIGNATURE	WORKER SUPERVISOR	DATE
------------------	-------------------	------

PAYEE AGREEMENT FOR MINOR PARENT

COUNTY USE ONLY
CASE NAME:
CASE NUMBER:
WORKER NAME:

If you do not return this form by _____
you will not get cash aid.

SECTION A: PREGNANT OR PARENTING MINOR AGREEMENT

I understand that any cash aid I am eligible to get for myself or dependent child(ren) will be paid to my parent, legal guardian, or other adult relative, with whom I live. I give permission to give this agreement to the person named below.

NAME OF PROPOSED PAYEE	RELATIONSHIP
NAME OF MINOR	SIGNATURE OF MINOR
	DATE

SECTION B: PAYEE RESPONSIBILITIES

The above-named minor has applied for California Work Opportunity and Responsibility to Kids (CalWORKs) for him/herself and/or his/her dependent child(ren). The minor has named you to serve as payee and receive cash aid payments. Payee responsibilities are listed below:

- I understand the payments I get for the person(s) in this case are to be used for their support. If I willfully and knowingly receive or use any part of the payment for any reason other than to support them, state law says I may be prosecuted for committing a misdemeanor.
- I understand that I am responsible to make sure the minor is given all information sent to me by the county for the minor such as quarterly report forms, notices of action and informing notices. It is the minor's responsibility to complete any necessary forms by the due date.
- I understand that if the minor moves out of my home, I should notify the county within 5 days and any payments received after the minor moves out should be returned to the county.
- I understand that if I do not agree to become the payee it does not affect the eligibility of the minor and/or his/her dependent child(ren).

SECTION C: PAYEE CERTIFICATION

Please check (✓) one of the boxes below:

- ☐ I understand the above facts and agree to act as the payee for the minor listed above.
- ☐ I refuse to act as the payee for the minor listed above.

PROPOSED PAYEE	PHONE NUMBER	DATE
----------------	--------------	------

R E P E A L

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

APPLICANT TEST

CASE NAME	CASE NUMBER	CW NAME	DATE
-----------	-------------	---------	------

- Determine whose needs to consider in the MBSAC size and select the corresponding MBSAC amount.
- Use a best estimate of countable income from AU members (including penalized AU members), certain non-AU members and sanctioned/excluded members.
- Deduct \$90 from the gross earned income of each family member whose earnings are used on the QR 29.
- Compare the family's total countable income to the MBSAC plus special needs to determine financial eligibility.

MONTH AND YEAR _____

1. NUMBER OF FAMILY MEMBERS WHOSE NEEDS ARE CONSIDERED IN MBSAC	
2. CORRESPONDING MBSAC FOR FAMILY SIZE IN #1 ABOVE	\$
3. RECURRING SPECIAL NEEDS	+
4. TOTAL GROSS INCOME LIMIT	=
5. GROSS EARNINGS COMPUTATION	
a. Gross Earnings (Person 1)	\$
b. Disregard	- 90
c. SUBTOTAL	=
d. Gross Earnings (Person 2)	\$
e. Disregard	- 90
f. SUBTOTAL	=
g. Gross Earnings (Person 3)	\$
h. Disregard	- 90
i. SUBTOTAL	=
j. TOTAL (Line 5c, 5f and 5i)	\$
6. SOCIAL SECURITY BENEFITS	+
7. V.A. BENEFITS	+
8. UIB	+
9. CHILD/SPOUSAL SUPPORT RECEIVED (Less CSSD)	+
10. UA CONTRIBUTION (From CW 71)	+
11. UNEARNED IN-KIND (Total received)	+
12. ALL DISABILITY INCOME	+
13. OTHER (Specify)	+
14. TOTAL COUNTABLE INCOME (Line 5j through Line 13)	=
15. Is total countable income (Line 14) less than the total gross income limit (Line 4)?	
☐ YES; eligible, complete QR 30.	
☐ NO; ineligible.	

SELF-EMPLOYMENT INCOME CALCULATION		
EARNINGS FROM SELF-EMPLOYMENT	PERSON 1 Line 5a	PERSON 2 Line 5d
Gross earnings from self employment	\$	\$
Expenses ☐ Actual ☐ 40%	-	-
Net self-employment income (Include in line 5 for appropriate person)	\$	\$

CalWORKs BUDGET WORKSHEET

Use the worksheet on the back of the QR 30 to calculate average income for the quarter.

CASE NAME: _____		CASE NUMBER: _____		SECTION C: GRANT COMPUTATION																																																				
DATA MONTH: _____		PAYMENT QUARTER: _____																																																						
☐ STANDARD MAP		☐ EXEMPT MAP																																																						
WORKER NAME: _____																																																								
WORKER #: _____		DATE: _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="width: 80%;">18. Maximum Aid Payment for Family Member (A & C) _____</td> <td style="width: 20%; text-align: right;">\$</td> </tr> <tr> <td colspan="2">a. Net nonexempt income (enter amount from line 11 or 15).</td> <td style="text-align: right;">-</td> </tr> <tr> <td colspan="2">b. Special needs other than HA, (A, C, D)</td> <td style="text-align: right;">+</td> </tr> <tr> <td colspan="2">c. Potential Grant</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2">19. Maximum Aid Payment for persons. (A) _____</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2">a. Special Need other than HA (A & D).</td> <td style="text-align: right;">+</td> </tr> <tr> <td colspan="2">b. Subtotal</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2">c. Aid Payment (lesser of 18c or 19b).</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2">20. Proration figure</td> <td></td> </tr> <tr> <td colspan="2">Date: _____</td> <td style="text-align: right;">X</td> </tr> <tr> <td colspan="2">21. Prorated Aid Payment</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2">22. Other adjustments imposed upon the AU:</td> <td></td> </tr> <tr> <td colspan="2">a. Child Support non-co-op (25% of Aid Payment)</td> <td style="text-align: right;">-</td> </tr> <tr> <td colspan="2">b. Overpayment adjustment</td> <td style="text-align: right;">-</td> </tr> <tr> <td colspan="2">c. Other penalties</td> <td style="text-align: right;">-</td> </tr> <tr> <td colspan="2">d. School bonus</td> <td style="text-align: right;">+</td> </tr> <tr> <td colspan="2">23. Adjusted Aid Payment</td> <td style="text-align: right;">\$</td> </tr> </table>		18. Maximum Aid Payment for Family Member (A & C) _____		\$	a. Net nonexempt income (enter amount from line 11 or 15).		-	b. Special needs other than HA, (A, C, D)		+	c. Potential Grant		\$	19. Maximum Aid Payment for persons. (A) _____		\$	a. Special Need other than HA (A & D).		+	b. Subtotal		\$	c. Aid Payment (lesser of 18c or 19b).		\$	20. Proration figure			Date: _____		X	21. Prorated Aid Payment		\$	22. Other adjustments imposed upon the AU:			a. Child Support non-co-op (25% of Aid Payment)		-	b. Overpayment adjustment		-	c. Other penalties		-	d. School bonus		+	23. Adjusted Aid Payment		\$
18. Maximum Aid Payment for Family Member (A & C) _____		\$																																																						
a. Net nonexempt income (enter amount from line 11 or 15).		-																																																						
b. Special needs other than HA, (A, C, D)		+																																																						
c. Potential Grant		\$																																																						
19. Maximum Aid Payment for persons. (A) _____		\$																																																						
a. Special Need other than HA (A & D).		+																																																						
b. Subtotal		\$																																																						
c. Aid Payment (lesser of 18c or 19b).		\$																																																						
20. Proration figure																																																								
Date: _____		X																																																						
21. Prorated Aid Payment		\$																																																						
22. Other adjustments imposed upon the AU:																																																								
a. Child Support non-co-op (25% of Aid Payment)		-																																																						
b. Overpayment adjustment		-																																																						
c. Other penalties		-																																																						
d. School bonus		+																																																						
23. Adjusted Aid Payment		\$																																																						
Check (✓) One																																																								
NAME	(A) AU (non MFG and non-penalized)	(B) Penalized AU	(C) non-AU (income counted for MFG, non citizen)	(D) MFG	(E) SANCTIONED																																																			

SECTION A: DISABILITY BASED INCOME (DBI)	
1. Total Average DBI of A, B, C, D, E	\$
2. Minus \$225 DBI disregard (If #1 is \$225 or more) or	-
3. Minus DBI disregard (If #1 is less than \$225)	-
4. DBI Remainder (#1 - #2)	-
5. Unused DBI disregard (\$225 - #3)	-

SECTION B: EARNED INCOME (EI)	
1. Average monthly earnings from Self-Employment of A, B, C, D, E	\$
2. Minus Self-Employment expenses Actual ☐ or 40% ☐	-
3. Subtotal	=
4. Other EI of A, B, C, D, E, (From income worksheet)	\$
5. Total Gross EI (#3 + #4)	=
6. Unused DBI Disregard (Section A, #5 or \$112, whichever is less)	-
7. Subtotal	=
8. 50% EI Disregard (#7 divided by 2)	=
9. Subtotal: Net Nonexempt Income (#7 - #8)	=
10. Nonexempt DBI (Section A, #4)	+
11. Other Nonexempt Income of A, B, C, D, E including child/spousal support for C, E (but not A, B, D)	+
12. Subtotal: Net Nonexempt Income for grant computation (#9 + #10 + #11)	\$
13. Child/Spousal Support for A, B (but not C, D, E)	=
14. Minus child/spousal support disregard (up to \$50)	-
15. Total Countable child/spousal support (#13 - #14)	=
16. Value of Income in Kind	=
17. Total Net Nonexempt Income (#12 + #15 + #16)	\$
18. MAP for A & C + special needs for A, C, D	=
19. Family meets recipient test if #17 is less than #18 If yes, then continue with Grant Computation	☐ YES ☐ NO

SECTION D: BUDGET RECOMPUTATION	
24. Actual Cash Aid Paid	\$
a. Adjusted Aid Payment (amount from line 23).	\$
b. Subtotal	=
25. Overpayment Amount (line 24b)	\$
26. Underpayment if line 23 is greater than line 24.	\$

MONTH 1: _____

QR INCOME WORKSHEET

CASE NAME: _____

CASE NUMBER: _____

PERSON #	DBI, U or E	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL	MINUS SELF - EMPLOYMENT EXPENSES*	DIVIDE BY	CONVERSION FACTOR *	AVERAGE	INCOME IN KIND***	TOTALS

*Deduct either 40% or Actual expenses

**BI-WEEKLY = 2.167, WEEKLY = 4.33

***See MPP 44-115

MONTH 2: _____

PERSON #	DBI, U or E	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL	MINUS SELF - EMPLOYMENT EXPENSES*	DIVIDE BY	CONVERSION FACTOR *	AVERAGE	INCOME IN KIND***	TOTALS

*Deduct either 40% or Actual expenses

**BI-WEEKLY = 2.167, WEEKLY = 4.33

***See MPP 44-115

MONTH 3: _____

PERSON #	DBI, U or E	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL	MINUS SELF - EMPLOYMENT EXPENSES*	DIVIDE BY	CONVERSION FACTOR *	AVERAGE	INCOME IN KIND***	TOTALS

*Deduct either 40% or Actual expenses

**BI-WEEKLY = 2.167, WEEKLY = 4.33

***See MPP 44-115

	MONTH 1	MONTH 2	MONTH 3	QUARTER TOTAL	DIVIDE BY	AVERAGE MONTHLY GROSS INCOME
DBI						DBI =
U						U =
E						E =

R E P E A L

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

SPONSOR'S QUARTERLY INCOME AND RESOURCES REPORT

GIVE THIS TO YOUR SPONSOR

THIS REPORT IS FOR THE MONTH OF _____

COMPLETE, SIGN, DATE AND RETURN THIS FORM AFTER:

CASE NAME _____

CASE NUMBER _____

SPONSOR'S INSTRUCTIONS

- You and your spouse (if living together or if spouse has signed an affidavit of support) must complete and sign this report and return it immediately to the noncitizen you sponsor.
 - The noncitizen must complete, sign and date the form, and return it to the county by the 5th of the month. If a complete report, including verification, is not received by the 11th of the month, the noncitizen's Cash Aid may be delayed, lowered, or stopped.
 - Call the county if you need help completing this form.
- Noncitizen's Name and Address _____

WORKER: _____

PHONE: _____

1 Sponsor's Name (First, Middle, Last) _____

Answer the following questions for your spouse if she/he is living with you OR has signed an affidavit of support.

2 Sponsor's Spouse's Name (If Living Together) (First, Middle, Last) _____ Has sponsor's spouse signed an affidavit of support? ☐ YES ☐ NO**3** Do you and/or your spouse receive Cash Aid, such as California Work Opportunity and Responsibility to Kids (CalWORKs) or Supplemental Security Income (SSI)? ☐ YES ☐ NO
If YES, complete below.

CASE NAME	DATE OF BIRTH	TYPE OF CASH AID	COUNTY	STATE

4 During the report month did you and/or your spouse receive income, money or benefits, such as: earnings, training payments, earned income tax credit, strike benefits, social security, railroad retirement, unemployment or disability insurance, interest, worker's compensation, SSI/SPP, child/spousal support, loans, grants, tax refund, cash gifts, free housing/utilities, etc.? ☐ YES ☐ NO

If YES, list who received income, employer's name or other source of income, gross amount before deductions, and actual date received. Attach paystubs or other proof of earnings for the report month. Attach proof of any other income only when it starts and when it changes.

If self-employed, list business expenses on a separate sheet of paper and attach proof of income and expenses.

NAME	SOURCE	AMOUNT \$ DATE RECEIVED	AMOUNT \$ DATE RECEIVED	AMOUNT \$ DATE RECEIVED	AMOUNT \$ DATE RECEIVED	AMOUNT \$ DATE RECEIVED

If both you and your spouse (who is living with you) receive Cash Aid, skip to Question 10 and complete the Certification Section.

5 Since your last quarterly report, did you or your spouse have any changes in personal and/or real property, such as: Receive, buy, sell or give away a motor vehicle, camper, boat, land or house, etc.? ☐ YES ☐ NO
If YES, explain the type of change, date of change and the amount, if applicable.**6** Did you or your spouse have a checking, savings or credit union account at the end of the report month? ☐ YES ☐ NO
If YES, complete below.

☐ Credit Union ☐ Checking ☐ Savings	Balance On Last Day of Report Month \$	Whose Account?	☐ Credit Union ☐ Checking ☐ Savings	Balance On Last Day of Report Month \$	Whose Account?
--	---	----------------	--	---	----------------

COUNTY USE ONLY

WORKER INITIALS

DATE

7 Since your last quarterly report, was there a change in the number of persons who are claimed as dependents for federal income tax purposes by you or your spouse? If YES, complete below. ☐ YES ☐ NO

NAME OF PERSON(S)	DOES PERSON LIVE WITH SPONSOR?	DATE OF CHANGE	EXPLAIN WHAT CHANGED
	☐ YES ☐ NO		
	☐ YES ☐ NO		

8 Since your last quarterly report, was there any change in payments made to persons who are claimed as federal tax dependents who are not living with you or your spouse? If YES, explain what changed, list the name of the person(s), amount paid and who paid: ☐ YES ☐ NO

9 During the report month, did you or your spouse pay any court-ordered support? If YES, enter the amount paid and attach receipts: \$ ☐ YES ☐ NO

10 Do you or your spouse have any other information to report such as: a new address, a change in the number of noncitizens that you sponsor and who will receive Cash Aid, recent or anticipated changes in income, etc.? If YES, explain the change and if it is expected to be temporary or permanent, and give the date of change. ☐ YES ☐ NO

CERTIFICATION SECTION

- I understand that the term for Sponsorship is normally an indefinite period of time.
- I understand that failure to report information or misrepresentation of facts for Cash Aid can result in legal prosecution with penalties of a fine, imprisonment or both.
- I understand that I may be required to repay any benefits which are overpaid because of incorrectly or incompletely reported information.

SPONSOR'S CERTIFICATION

- I declare under penalty of perjury under the laws of the State of California that the information contained in this report is true and correct and is complete.

SIGNATURE OF SPONSOR	DATE
SIGNATURE OF SPONSOR'S SPOUSE (IF LIVING TOGETHER OR SIGNED AN AFFIDAVIT OF SUPPORT)	DATE
SIGNATURE OF WITNESS TO MARK, INTERPRETER, OR OTHER PERSON COMPLETING FORM	DATE

NONCITIZEN'S CERTIFICATION

- I have reviewed this signed and completed report from my sponsor(s). I declare under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the information contained in this report is true and correct and is complete.

NONCITIZEN'S OR DECLARANT'S SIGNATURE OR MARK	DATE
SIGNATURE OF WITNESS TO MARK, INTERPRETER, OR OTHER PERSON COMPLETING FORM	DATE

COUNTY USE ONLY

Evaluation of Sponsor/Sponsor's Spouse Real/Personal Property Resources	CalWORKs Sponsor/Sponsor's Spouse Income Computation	Food Stamps Sponsor/Sponsor's Spouse Income Computation
A. ITEMS VALUE _____ \$ _____ _____ \$ _____ _____ \$ _____ _____ \$ _____ _____ \$ _____ B. Total \$ _____ C. Less: Food Stamp Deduction (\$1500) CW FS NA \$1500 D. Subtotal = _____ E. Total number of sponsored noncitizens applying for/receiving CW/FS F. Total (Divide D by E) = _____	A. Earned Income \$ _____ B. Unearned Income + _____ C. Subtotal = _____ D. Total number of sponsored noncitizens applying for/receiving CalWORKs _____ E. Divide C by D = _____ F. Number of sponsored noncitizens in this AU _____ G. Total (Multiply E by F) = _____	A. Earned Income \$ _____ B. Less 20% - _____ C. Unearned Income + _____ D. Gross Income Deduction for sponsor's household size - _____ E. Subtotal = _____ F. Total number of sponsored noncitizens applying for/receiving Food Stamps _____ G. Total (Divide E by F) = _____
Amount in F to be included in each noncitizen's property limits.	Amount in G to be deemed income for entire AU.	Amount in G to be deemed income for each sponsored noncitizen.

SENIOR PARENT QUARTERLY INCOME REPORT

(Supplement to the QR 7 - Use for unaided senior parent.)

CASE NAME:
CASE NUMBER:
THIS REPORT IS FOR THE MONTH OF:

The rules say that when a minor parent (up to age 18) gets cash aid, we must count the income of the senior parent(s) living in the same home. We will figure how much of this income will be counted.

INSTRUCTIONS:

- Fill in this form and return it with your Quarterly Eligibility/Status Report (QR 7) by the 5th day of the submission month. Answer all of the questions about your parent(s) who lives with you.
- If we do not get a complete report by the 11th day of the submission month, your cash aid and cash-based Medi-Cal may be **delayed, changed or stopped**.
- If you have questions, ask your worker.

1. During the report month did your parent(s) get income, money, or benefits, such as: earnings; government benefits like Social Security, Unemployment/Disability Benefits (UIB/DIB); Supplemental Security Income/State Supplementary Payment (SSI/SSP), worker's compensation; railroad retirement, veterans or other private or government disability retirement; interest or dividends from stocks, bonds, savings account; child/spousal support; training payments; strike benefits; cash, gifts, loans, grants, scholarships; tax refunds; Earned Income Tax Credit (EITC); gambling/lottery winnings; rental income, rental assistance; free housing/utilities/clothing or food; insurance or legal settlements; etc?						☐ YES ☐ NO		
If YES, list who received the money, the source, gross amount before deductions, and actual date received in the report month. Attach paystubs or other proof of your parent's earnings in the report month. If anyone is self-employed, list business expenses on a separate sheet of paper and attach proof of income and expenses in the report month. Proof for any self-employment income or other income is needed only when it starts and when it changes.								
WHO GOT THE INCOME	SOURCE OF INCOME	GROSS AMOUNT	\$	\$	\$	\$	\$	
		ACTUAL DATE RECEIVED						
WHO GOT THE INCOME	SOURCE OF INCOME	GROSS AMOUNT	\$	\$	\$	\$	\$	
		ACTUAL DATE RECEIVED						
2. Do your parent(s) expect any changes in income in the next three months?								☐ YES ☐ NO
If "YES", list below what change is expected. Attach any proof they may have such as, a letter from an employer, benefit award letter, etc.								
Who's income will change?	List the source or type of income that will change.	How will the income change?	What do you expect the total amount of income to be in each of the three months?					
			Month _____ Month _____ Month _____					

CERTIFICATION

- I understand that if on purpose I do not report all facts, or give wrong information to get aid, I can be legally prosecuted. I can be charged with committing a serious crime if I received more than \$400 in aid that I am not supposed to get. And my cash aid can be stopped for a period of time. I may be fined up to \$10,000 and/or sent to jail or prison for up to 3 years.
- I understand that the facts I report may result in my benefits being changed or stopped.
- I understand that I have the right to a State Hearing on any proposed action by the County Welfare Department.
- I declare under penalty of perjury under the laws of the United States and the State of California that the facts contained in this report are true and correct and are complete.

YOU MUST SIGN AND DATE THIS REPORT AFTER THE LAST DAY OF THE MONTH OR IT WILL BE INCOMPLETE.

SIGNATURE OF CASH AIDED MINOR PARENT

DATE SIGNED

COUNTY USE ONLY

REMINDER FOR TEENS TURNING 18 YEARS OLD

Give this notice right away to your child who will be turning 18 years old within the next 60 days.

If you are 18 years old and don't have children and/or are not pregnant

You can still get cash aid as part of your parent/caretaker's case after your 18th birthday **ONLY** if you:

- Are a full-time student in high school, or in a vocational or technical training program, and are expected to finish school/program before reaching 19 years old, or
- Are a full-time student in high school, or in a vocational or technical training program, and have been or are considered disabled, and meet the disability criteria pursuant to the CalWORKs regulations, or
- Are a foster child living with an approved relative and are completing high school or an equivalency program, enrolling in post-secondary or vocational school, participating in a program or activity that promotes or removes barriers to employment, employed at least 80 hours per month, or unable to participate in school or employment due to a documented medical condition.

Call your county worker right away if you think you meet any of these situations. If you are eligible to stay on cash aid, you may need to have a fingerprint and photo image taken by the county.

If you are 18 years old and have a child of your own and/or are pregnant

1. You can continue to get cash aid as part of your parent/caretaker's case after your 18th birthday **ONLY** if you:

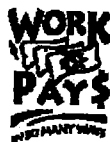
- Are a full-time student in high school, or in a vocational or technical training program, and are expected to finish school/program before reaching 19 years old, or
- Are a full-time student in high school, or in a vocational or technical training program, and have been or are considered disabled, and meet the disability criteria pursuant to the CalWORKs regulations, or
- Are a foster child living with an approved relative and are completing high school or an equivalency program, enrolling in post-secondary or vocational school, participating in a program or activity that promotes or removes barriers to employment, employed at least 80 hours per month, or unable to participate in school or employment due to a documented medical condition.

- OR -

2. You can choose to start your own case. Call your county worker right away if you want to start your own case. Here are some things you need to know before starting your own case:

- You do NOT have to move out of your parent/caretaker's home to be in your own case.
- Your time limits for getting cash aid will start.
- As the head of your case, YOU must report all changes to your county worker each Quarter.
- If you start your own case, your parent or caretaker may get less cash aid or if you are the only child their cash aid may be stopped.
- As of July 1, 2011, if you are pregnant and don't have other children, you will not be able to get cash aid until your third trimester. If you were granted cash aid prior to your third trimester before July 1, 2011, you will be eligible to continue to receive aid.
- If the Maximum Family Grant (MFG) rule was applied to your child while you were a dependent minor parent, your child can be counted in your cash aid payment when you are in your own case.

If you are under your own case or are a part of your parent/caretaker's case, to be eligible to stay on cash aid, you may need to have a fingerprint and photo image taken by the county. If you have questions about whether you should start your own case, call the county welfare office or local legal services office.



RIGHTS, RESPONSIBILITIES AND OTHER IMPORTANT INFORMATION

For the Cash Aid and CalFresh Programs, and/or Medi-Cal/34-County Medical Services Program (CMSP)

These pages give you your rights and responsibilities and other important information. The county needs your facts to see if you are eligible for cash aid, CalFresh benefits, and/or Medi-Cal/34-County CMSP and to figure how much you will get if you are eligible. If you need more information or have questions, ask your worker.

Cash Aid includes California Work Opportunity and Responsibility to Kids (CalWORKs) and Refugee Cash Assistance (RCA).

Medi-Cal/34-County CMSP includes Full Medi-Cal/34-County CMSP benefits and Restricted Medi-Cal/34-County CMSP emergency and pregnancy related care only.

YOUR RIGHTS

1. To be treated equally without regard to race, color, national origin, religion, political affiliation, marital status, sex, disability, or age. You may file a complaint of discrimination if you feel you have been discriminated against by first speaking with your county's designated civil rights representative or by writing to the

State Civil Rights Bureau
744 P Street, MS 8-16-70
P.O. Box 944243
Sacramento, CA 94244-2430

or by calling toll free 1-866-741-6241 or for the hearing impaired TDD 1-800-688-4486.
2. To get help applying for or continuing to receive cash aid, benefits and services if you have a disability. If you need help because of a disability, tell the county.
3. To ask for help to complete your application for any other cash aid, CalFresh, or Medi-Cal/34-County CMSP form.
4. To ask for an interpreter and to have forms and notices translated if you don't speak or read English.
5. To be treated with courtesy, consideration and respect.
6. To be interviewed promptly by the county when you apply and to have your eligibility determined within 45 days for cash aid and Medi-Cal/34-County CMSP (or 90 days for Medi-Cal if a determination of disability is required) and within 30 days for CalFresh benefits.
7. To discuss your case with the county and to review your case yourself when you request to do so.
8. To be told the rules for getting cash aid right away. If we think you might be eligible, you will get an interview within one day.
9. To be told the rules for getting CalFresh benefits right away. If we think you might be eligible to get them right away, you will get an interview immediately and get CalFresh benefits within three days.
10. To get Medi-Cal/34-County CMSP as soon as possible if you have a medical emergency or are pregnant, if eligible.
11. To continue getting cash aid and Medi-Cal benefits without a break if you move from one county to another if you stay eligible.
12. To be told the rules for retroactive Medi-Cal eligibility.
13. To lower any current Share of Cost you may have by giving the county past unpaid medical bills you still owe, when you apply for Medi-Cal.
14. To choose prepaid health plan (PHP), fee-for-service coverage (if available), Health Maintenance Organization (HMO), or Medi-Cal when eligible for Medi-Cal.
15. To ask to have your Medi-Cal Benefits Identification Card (BIC), or EBT card replaced if lost in the mail, damaged, or destroyed. The county will tell you if you are eligible.
16. To ask for extra money if your income drops or stops (cash aid only).
17. To ask for payments for clothing, housing or essential household items which are lost, damaged or otherwise unavailable due to sudden and unusual circumstances (cash aid only).
18. To ask for payments for ongoing special needs like a special diet, transportation for ongoing medical care, special laundry service, telephone for the hard of hearing, high utility bills, etc. (cash aid only).
19. To be notified in writing when your application is approved, denied, or when your benefits change or stop.
20. To have your records kept confidential by the county and state, unless you are getting cash aid or CalFresh benefits and there is a felony arrest warrant issued for you, or as otherwise provided by law.
21. To talk with someone from the county or file a formal complaint with the state if you don't agree with an action taken by the county. You may call toll-free at 1-800-952-5253 or for the hearing impaired, TDD 1-800-952-8349.
22. To ask for a State Hearing within 90 days of the county's action for cash aid, CalFresh benefits and Medi-Cal.
23. To ask for a State Hearing, you can write to your county or call the State toll-free telephone numbers listed in Item 21 above.
24. To appeal all 34-County CMSP eligibility issues, you can **only write** to your county.
25. To be represented at a State Hearing by yourself, a household member, friend, attorney, or other person of your choice. NOTE: You may get free legal help at your local legal aid office or welfare rights group.
26. To have reasonable access to a location where you can withdraw your cash benefits with minimal or no costs.
27. To get a brochure that will tell you how to use your EBT card and how to get your cash benefits at minimal or no costs.
28. To get a list of surcharge-free ATMs and stores where you can get cash back at no cost when you make a purchase with your EBT card. You can get a list of these locations from your county worker or at www.ebt.ca.gov.

YOUR RESPONSIBILITIES

Citizenship/Immigration Status

To sign under penalty of perjury that each member applying for cash aid and CalFresh benefits is a U.S. citizen, U.S. national or has lawful immigration status. Information you give us on immigration status will be checked with the U.S. Citizenship and Immigration Services (USCIS). Information we get from USCIS may affect your eligibility. (Manual of Policies and Procedures Section 42-433).

If you want Medi-Cal/34-County CMSP, you must provide a declaration of citizenship/immigration status under penalty of perjury. If you say you are a noncitizen with lawful permanent residence (LPR) in the U.S., an amnesty alien with a valid and current I-688 or a noncitizen permanently residing under color of law (PRUCOL), your immigration status will be checked with the USCIS. The information the USCIS receives to verify the immigration status of the applicant can only be used to determine Medi-Cal/34-County CMSP eligibility, and cannot be used for immigration enforcement unless you are committing fraud.

Fingerprint/Photo Imaging

All eligible adult household members for cash aid and/or CalFresh benefits must be fingerprint/photo imaged. If anyone who is required to cooperate with these rules does not get fingerprint/photo imaged, no benefits will be issued to the entire household. (Manual of Policies and Procedures Section 40-105.3).

The fingerprint/photo images are confidential and can only be used to prevent or prosecute welfare fraud.

Social Security Number (SSN) Rules

The SSNs will be used in a computer match to check income and resources with records from tax, welfare, employment, the Social Security Administration and other agencies. Differences may be checked out with employers, banks or others. Making false statements or failing to report all facts or situations which affect eligibility and aid payments for cash aid, CalFresh and Medi-Cal/34-County CMSP may result in repayment of benefits and/or criminal or civil action.

Cash Aid and CalFresh Benefits: You must give us the SSN for each applicant or recipient of cash aid and/or CalFresh. If you refuse to give us either a SSN or proof of application for a SSN, you will not be able to get cash aid or CalFresh benefits. For cash aid, you must give proof of application for a SSN within 30 days of application for cash aid and give the SSN to the county when you get it. (Manual of Policies and Procedures Section 40-105.2).

Each applicant for Medi-Cal/34-County CMSP, who says he/she is a U.S. citizen, a U.S. national, LPR in the U.S., an amnesty alien with a valid and current I-688, or PRUCOL, will be disqualified from getting Medi-Cal if he/she refuses to give either a SSN or proof of application for a SSN. Any noncitizen who does not have a SSN and who is not an amnesty alien with a valid and current I-688 or a LPR or PRUCOL, can still get restricted Medi-Cal/34-County CMSP if he/she meets all eligibility rules, including California residency.

Verification(s)

To give proof to support your eligibility. If you can't get proof, you will need to give the name of some other person or agency we may contact to get the proof. We will help you get proof when you can't get it. (Manual of Policies and Procedures Sections 40-105.1; 40-157.212; 40-157.213)

Cooperation

To cooperate with county, state and federal staff. For cash aid, a county worker can come to your home at an arranged time to check out your facts, including seeing each family member. You may not get benefits or your benefits may be stopped if you don't cooperate.

CASH AID AND MEDI-CAL

To apply for any benefits or income anyone is eligible to get, such as: Unemployment (UIB) or Disability benefits, Veterans benefits, Social Security or Medicare, etc.

Child/Spousal and Medical Support

To cooperate with the county and the Local Child Support Agency to:

- identify and locate any absent parent in your case;
- tell the county or the Local Child Support Agency anytime you get information about the absent parent, such as place of residence or work location;
- determine the paternity of any child in your case when needed;
- obtain medical support money from any absent parent and, if you get cash aid, obtain child support money;
- give the Local Child Support Agency any medical support money and, any child/spousal support money you get;
- tell the county about medical coverage or money for medical services paid by the absent parent.

Your cash aid will be lowered if you don't cooperate. (Manual of Policies and Procedures Sections 40-157.212; 40-157.213).

MEDI-CAL

Benefits Identification Card (BIC)

- To sign your BIC when you get it and to use it only to get necessary health care services.
- To never throw your BIC away (unless we give you a new BIC). You need to keep your BIC even if you stop getting Medi-Cal. You can use the same BIC if you get cash aid or Medi-Cal again.
- To take the BIC to your medical provider when you or a family member is sick or has an appointment.
- To take the BIC to the medical provider who treated you or your family member(s) in an emergency situation as soon as possible after the emergency.

Health Care Coverage/Insurance

- To tell the county and any health care provider of any health care coverage/insurance you or a family member have.
- To retain any health insurance available to you and your family at no or reasonable cost.
- To use any prepaid health plans, health maintenance organization or health care insurance plans you have before using Medi-Cal/34-County CMSP, unless the plan does not offer the medical service needed. You need to use them because Medi-Cal will not pay for any service paid for and/or provided by these medical insurance plans.
- To enroll and stay enrolled in an employment-related group health plan when Medi-Cal approves payment of plan premiums by the State of California.

YOUR REPORTING RESPONSIBILITIES

You must report certain information to the county. If you're not sure how to report, what to report, or what proof we need, ask your worker. If you get CalFresh benefits, your worker will tell you if you are a quarterly or change reporting household. If you get Medi-Cal/34-County CMSP, the county will tell you when you must report. (Manual of Policies and Procedures Section 40-181).

HOW YOU MUST REPORT

For Cash Aid and CalFresh Quarterly Reporting, you must turn in a Quarterly Eligibility Report (QR 7) by the fifth day of the month following your report months and report all required changes to the county within 10 days.

For CalFresh Change Reporting, you must report all changes within 10 days:

- by mail, telephone, or in person at the county CalFresh office; OR
- on a DFA 377.5, CalFresh Household Change Report

For Medi-Cal, you must report all changes within 10 days AND turn in a complete Status Report by the 5th of the month when the county sends or gives it to you.

WHEN YOU MUST REPORT

For Cash Aid and CalFresh Quarterly Reporting

Quarterly reporting rules say that you must report things at certain times. You will be assigned a "report month" for each quarter (three month period). This will be the second month of each quarter. For example, if your quarter is January, February and March, February would be your "report month" and your report would be due by the 5th day of March. The report is always due by the 5th day of the month following your "report month" and will be considered late if not received by the 11th day of the month. If your Quarterly Eligibility Report (QR 7) is late you will have to pay back any cash aid or CalFresh that you were not supposed to get. You will have to report gross income, changes in the number of people in your household, property bought or sold by people in your household and other information for that report month as well as any changes in your gross income that you expect to happen in the next quarter. If you do not turn in a completed Quarterly Eligibility Report (QR 7) by the end of the first working day of the month after the month your report is due, your household's benefits will be stopped.

What you must report on the Quarterly Report:

1. **Earned Income:** All gross earned income received by you or anyone in your household in the report month. This includes wages; tips; vacation pay; cash bonuses; money from self employment or from a training program; also any income in kind in exchange for work, such as free rent, clothing or food.

2. **Unearned or Disability Based Income:** All other income received by you or anyone in your household in the report month. This includes Child/spousal support; interest or dividends; gambling/lottery winnings; insurance or legal settlements; strike benefits; cash, gifts, loans scholarships; tax refunds; any government benefits, like Social Security, Supplemental Security Income/State Supplementary Payment (SSI/SSP), unemployment, worker's compensation, state disability indemnity, veterans or railroad retirement, or other private or government disability or retirement; rental income and rental assistance; free housing/utilities/clothing/food; or any other type of money received.
3. You must also report on your Quarterly Report any changes in income that you expect to happen during the next quarter. This includes earned, unearned and disability based income changes.
4. **Property:** Any property including, motor vehicles; bank accounts; savings bonds; insurance policies; a home or land; trust; EBT cash balance, etc. that you or anyone in your household has received since your last Quarterly Report and still has, whether it was bought, obtained through a trade or as a gift. The county will use this information to determine if your household exceeds the property limit. You must also report if you or anyone sold, traded or gave away any property since your last Quarterly Report.
5. **If You Move or Someone Moves Into or Out of Your Home:** Anyone (including newborns) who moved into your home since your last Quarterly Report and is still there. You must also report anyone who moved out of your home or who has died since your last Quarterly Report.
6. **Convicted Drug Felons, Fleeing Felons and Probation/ Parole Violators:** The name of anyone in your household who is either avoiding or running from the law to avoid a felony prosecution, custody or confinement after conviction, or in violation of probation or parole. You must also report any household member who has been convicted of a drug felony for possession, use, manufacturing sale or distribution, of a controlled substance, or any activity in connection with these unlawful acts, or harvesting, cultivating or processing marijuana, or involving a minor in these activities. For CalFresh you must report felonies since August 22, 1996 and for cash aid list convictions that happened after January 1, 1998.
7. **Reduced Hours of Work:** If you are an Able-Bodied Adult Without Dependents (ABAWD), you must report when your hours of work drop below 20 hours a week or 80 hours a month. You must also report if you expect your work hours to drop below these limits during the next three months.

For Medi-Cal/34-County CMSP, you must report when:

1. Anyone enters or leaves a nursing home or long term care facility.
2. Anyone applies for disability benefits, such as SSI/SSP, Social Security, Veterans, or Railroad Retirement.
3. Anyone gets health care services that result from an accident or injury due to someone else's action or failure to act.

YOUR REPORTING RESPONSIBILITIES (CONTINUED)

For Non-Assistance CalFresh Quarterly Reporting

If you only get CalFresh benefits you must report when:

1. Anyone in the household moves to another address, plans to move or gets a new mailing address.
2. Anyone who is an Able Bodied Adult Without Dependents (ABAWD) CalFresh recipient and the number of hours they work or are in training drop to less than 20 hours a week or 80 hours a month.

For CalWORKs you must report certain changes at other times:

In certain circumstances you will be required to report things (within ten days of the change) even if it is not your "report month" such as:

1. Anytime that your family's combined gross income (both earned and unearned) is more than the Income Reporting Threshold (IRT) for a family of your size. Your county worker will tell you the IRT limit for a family of your size. If your family only gets unearned income or only gets CalFresh benefits, you will only be required to report income on your Quarterly Eligibility Report (QR 7).
2. Anytime that someone in your household is convicted of a drug related felony, becomes a fleeing felon or is in violation of probation or parole.
3. Anytime you move you must report your address change so that the county will know where to send your benefits, Quarterly Report forms and notices.

Reporting information voluntarily for CalWORKs and CalFresh Quarterly Reporting:

You may also report other information voluntarily even when it is not your "report month." Reporting information voluntarily may cause your household's benefits to go up. If the information reported causes your benefits to go up, the county will take action within ten days after you provide verification. One exception is when the increase results from adding another person to your case. In that situation, the county will take action to increase benefits the first of the month after you provide verification. Even if you have already reported something to the County, you must also report it on your next Quarterly Report (QR 7).

Some examples of voluntary reporting that may cause your benefits to go up include:

- Your income stops or drops.
- Someone who has little or no income moves into your home (including a newborn).
- Someone who has income moves out of your home.
- You believe that you or someone in your household is eligible for a CalWORKs Special Needs payment, such as pregnancy special needs or a qualifying special diet.

Additional examples for CalFresh only:

- A household member begins to pay court ordered child support for a child not living in the home.
- A household member is 60 or older.
- Any member who is disabled or 60 years of age or older has changes in or new medical expenses (if verified your CalFresh can be refigured).

Additional Information for CalFresh Only Households

If you receive CalFresh benefits and you voluntarily report income that has increased, and it is above the gross income level for your household size, your benefits may be discontinued.

Note that if you receive only CalFresh benefits: (1) you do not have to report any increases in income during the quarter; and, (2) when you report changes to the county or in between written quarterly reports, you must also report the change on your next QR 7.

At anytime you can ask the county to discontinue your entire case or any individual person who has left the home or is not required to be in the assistance unit. You can also ask the county to discontinue certain benefits, such as: Medi-Cal or CalFresh. Receiving Medi-Cal/or CalFresh only will not count against your cash aid time limits.

Other changes for quarterly reporting:

There are other changes that will cause the county to decrease or discontinue your benefits during the quarter in which they happen. Here are some examples:

- An adult in the household reaches the CalWORKs 48-month time limit;
- A household member is sanctioned/penalized;
- A child reaches the age of 18 (and will not graduate from high school before the age of 19);
- Someone in your household begins receiving benefits in another household;
- An eligible child is placed in Foster Care;
- Anyone who is an Able Bodied Adult Without Dependents (ABAWD) CalFresh recipient and the number of hours they work or are in training drop to less than 20 hours a week or 80 hours a month.

CALFRESH CHANGE REPORTING

For CalFresh Change Reporting, you must report when:

1. Your total monthly income starts, stops, or changes by more than \$50.
2. Anyone's source of income changes.
3. Anyone moves into or out of your home.
4. Anyone joins or leaves your household.
5. You move or you get a new address.
6. Your rent and utility costs only if you move.
7. Anyone buys, gets, sells, or gives away a licensed motor vehicle.
8. If there is a change in the amount of any court ordered child support paid by a member of the household for a child not living in the home.
9. Anyone who is an Able Bodied Adult Without Dependents (ABAWD) CalFresh recipient and the number of hours they work or are in training drop to less than 20 hours a week or 80 hours a month.
10. Any member of your household is avoiding or running from the law to avoid any felony prosecution, custody or confinement after conviction, or is in violation of probation or parole.
11. Any household member convicted of a drug-related felony after August 22, 1996, for manufacturing, sale or distribution of a controlled substance(s), or any activity in connection with these unlawful acts, or harvesting, cultivating or processing marijuana, or involving a minor in the above activities.

For CalFresh Change Reporting, you may report when:

1. Anyone's physical or mental illness begins or ends.
2. Anyone's citizenship/immigration status changes or anyone gets a letter, form or new card from the USCIS.
3. You have changes in your dependent care costs.
4. Any member who is disabled or age 60 or older has changes in or new medical expenses. If verified, your allotment can be refigured.
5. Any household member starts to pay court ordered child support for a child not living in the home.

YOUR REPORTING RESPONSIBILITIES (CONTINUED)

IMPORTANT INFORMATION CASH AID ONLY

Unemployed Parent

If you are applying for cash aid as an unemployed parent, the principal earner (PE) must:

- be unemployed and not have worked in the preceding 4 weeks
- apply for and accept any unemployment insurance you are eligible to receive

The PE is the parent who has the most earnings in the past 24 months.

Homeless Assistance

You may be eligible for money to help pay for temporary shelter, permanent housing or to prevent eviction. This is a once-in-a-lifetime payment unless you meet an exemption. If you have already received homeless assistance and need it again, your worker will tell you if you are eligible.

School Attendance and Immunizations

You must provide proof when requested by the county that:

- all school-age children are attending school, and
- children under the age of 6 have received age appropriate immunizations. (Manual of Policies and Procedures Sections 40-105.4; 40-105.5).

Maximum Aid Payment (MAP)

There are two levels of Maximum Aid Payment (MAP). Most families getting cash aid get the lower MAP level. Families may get the higher MAP level if each parent or caretaker in the Assistance Unit (AU):

- is disabled and getting Supplemental Security Income/ State Supplemental Payments (SSI/SSP) or In-Home Supportive Services (IHSS), or State Disability Insurance (SDI), or Temporary Workers Compensation (TWC), or Temporary Disability Indemnity (TDI) benefits
- is caring for an aided child(ren) who is not their child and the caretaker does not get cash aid.

Also eligible for the higher MAP:

- a family who gets Refugee Cash Assistance (RCA) if each adult meets an exception.

If all the adults in the household meet at least one of these exemptions, ask your worker about applying for an exemption.

Treatment of Self-Employment

If you are self-employed, you will have a choice of figuring your business expenses based on a standard deduction of 40 percent of your gross income or using actual business expenses. Once you choose a method of figuring your self-employed net income, you can only change that way of figuring expenses at redetermination or every six months whichever happens sooner.

Maximum Family Grant (MFG) Rule

The MFG rule applies to any child born after August 31, 1997. The MFG rule says that your maximum aid payment (MAP) will not go up to include a child born to your family, if your family got cash aid for the 10 months in a row right before the child's birth. There are exemptions to the rule. Your worker will give you a copy of the MFG rules and answer your questions. Then you will sign a copy that says you understand the rules.

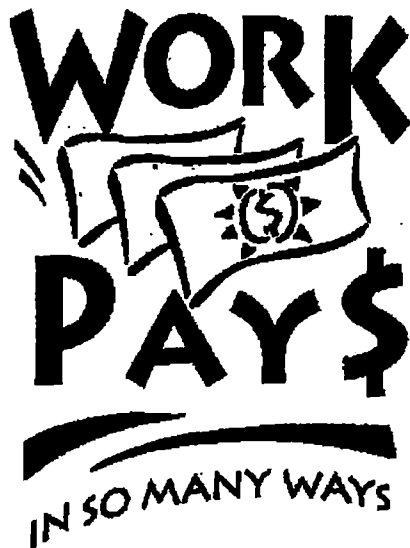
Proof of Facts

If you ask for cash aid within one year of the date it stopped, the county must look at your prior case file to see if it already has the proof needed to determine your eligibility when:

- you cannot get the proof, or
- there is a cost to you to get the proof, or
- processing your application would be delayed because it would take too long for you to get the proof.

If you ask for cash aid within one year of the date it stopped AND, if the county doesn't have the proof it needs, then you will have to provide proof.

If you have new changes since you last got cash aid, the county will need new proof.



Here's how **Work Pays**:

- Gives you more \$\$\$\$ to help support your family
- Builds a better life for you and your family
- Develops job skills
- Builds self-esteem
- Gives you personal satisfaction

You can work and still get cash aid:

- ✓ In most cases, when you work, your gross earnings (earnings before deductions) are not subtracted dollar for dollar from your cash aid payment. You may be eligible for **work related deductions**. When you add it up, you have more \$\$\$\$ for your family.
- ✓ When you have a **grant-based on the job training (OJT)** assignment, all or part of your cash aid payment is used by your employer to help pay your wages. You do not get work related deductions for grant based OJT wages.
- ✓ Either way, you may be eligible for child care costs that are paid to your provider.

See page 7 for facts about work and training rules, work incentives, including child care programs. Ask your worker for more facts about **Work Pays** and how **grant-based OJT** can work for you.

Remember, you can work and still get cash aid as long as you stay eligible and meet reporting rules in a timely manner.

Work and Training Rules

Your worker will tell you what cash aid and/or CalFresh work rules you need to follow before and after your application is approved. You may be required to be in work, training or education activities to keep getting your cash aid, CalFresh, or both. More than one member of a household can be required to follow cash aid and/or CalFresh work rules. If anyone becomes ineligible for not following work or training rules, other members of their household can still get cash aid or CalFresh, as long as they remain eligible. But, the amount of cash aid or CalFresh they get may change.

Cash Aid Work Rules

If you get cash aid and CalFresh benefits or just get cash aid, you will need to take part in certain Welfare-to-Work activities to keep getting your cash aid and CalFresh benefits. The county will tell you how many hours a week you must take part in these activities or if you are excused from these rules. Welfare-to-Work activities include, but are not limited to, subsidized or unsubsidized work, work experience, community service, adult basic education, vocational training, and job search. Subsidized means that the county or some other funding source pays your employer for part of your wages.

The cash aid work rules also say you must:

- Sign a Welfare-to-Work plan;
- Take a suitable job that is offered to you;
- Not quit a job or reduce your earnings.

Sanctions for Not Meeting Cash Aid Work Rules

Any time you don't meet cash aid work rules for a good reason, your cash aid will be stopped until you do what you should do. After your cash aid is stopped or reduced, you can only get it back again if you meet the work rules that you had stopped meeting or you become excused. If your cash aid is stopped, your CalFresh benefits may also be stopped or reduced.

CalFresh Work Rules for Persons Not Receiving Cash Aid

If you only get CalFresh benefits, you may need to take part in certain employment and training activities to keep getting your CalFresh benefits. These activities include job search, workfare, adult basic education, and vocational training. The county will tell you how many hours a week you must take part in these activities or if you are excused from these rules.

The CalFresh work rules also say you must:

- Answer questions about your job experience and ability to work;
- Check on a possible job we tell you about and take a suitable job that is offered to you;
- Not quit a job or reduce the number of hours you work to less than 30 hours per week.

CalFresh Only Penalties

If you don't meet CalFresh work rules and you don't have a good reason, your CalFresh benefits will be denied or stopped for one, three, or six months, depending on the number of times you stop meeting the rules. After your CalFresh benefits are stopped, you can only get them again at the end of the penalty or sooner if you become excused.

Work Requirement for Able-Bodied Adults Not Receiving Cash Aid

If you only receive CalFresh benefits and you don't have minor children, there is another work rule which you also may need to meet. You do not have to meet this work rule if you are under age 18, over age 49, pregnant, or you are part of a CalFresh household with a minor child. You may be excused for other reasons that your county worker can explain. The work rule says that if you are an able-bodied adult, you must work at least 20 hours a week or 80 hours a month in paid employment, take part in a workfare project for the required number of hours, or take part in an approved training activity for at least 20 hours per week or 80 hours per month. During a period of 36 months, CalFresh benefits will stop if there are three months in which you do not meet the work rule. If you stop meeting the work rule a second time for reasons such as being laid off, you may be able to get CalFresh benefits for three months in a row without having to meet the rule. After that you can only get CalFresh benefits if you meet the work rule or get excused.

CalWORKs Income Disregards

The total amount of cash aid your family receives is based on your family size and any other income you may have. The law allows for some income to be disregarded when the total amount of cash aid you will receive is calculated.

- If your family gets more than \$225 a month of Disability Income (DI), only the first \$225 is disregarded.
- If your family gets \$225 a month or less of DI, none of it will be counted as income and if you also have Earned Income (EI), any remaining amount of the \$225 disregard, up to \$112, will not be counted as income.
- In addition, 50 percent of any other EI will be disregarded.
- The remainder is your net countable income and is the amount that will be used to figure your cash aid.

Treatment of Self-Employment

If you are self-employed, you will have a choice of figuring your business expenses based on a standard deduction of 40 percent of gross income or using actual business expenses. Once you choose a method of figuring your self-employed net income, you can only change that way of figuring expenses at redetermination or every six months whichever happens sooner.

CalWORKs Child Care Program

Child care benefits are available to recipients who need child care to work or participate in county-approved welfare-to-work activities such as attending education or job training programs.

California Department of Education (CDE) Child Care

Child care benefits are also available from CDE. Contact your local Resource and Referral Agency for more information.

Transitional Medi-Cal (TMC)

You may get Medi-Cal for up to 12 months if you go off cash aid because you are working. Your family must have gotten cash aid for at least three of the last six months before cash aid stopped. To get more than six months of TMC, your income must be under certain limits and you must meet TMC reporting rules.

OTHER IMPORTANT INFORMATION

CASH AID AND CALFRESH QUARTERLY REPORTING HOUSEHOLDS Budgeting Rules

The amount of cash aid and/or CalFresh benefits you can get depends on your income and allowable expenses. You will get a Quarterly Eligibility Report (QR 7) to fill out every three months. On the QR 7, you will need to report what income and expenses you had in the last month and what income and expenses you think you will have in the three months after you turn in your report. The income and expenses you expect to have in the next three months will be used to figure the amount of cash aid and/or CalFresh benefits you can get for those three months. Information that you put on the QR 7 about the past month will be used for the next three months if you don't expect your income or expenses to change.

For example, if you turn in a QR 7 in March, you will report what income you had in February. You will also report any income changes you expect to have in April, May and June. If the income from February will stay the same, your cash aid and/or CalFresh benefits for April, May, and June will be figured using that same income and expenses for each of those months. If your income and expenses will change, your worker will use the new income amounts you think you'll get in April, May, and June to figure your cash aid and/or CalFresh benefit amount for those months. This method is called prospective budgeting.

Property Limit

CalWORKs:

There is a \$2000 limit on the value of the property (e.g. bank accounts, stocks, etc.) that your family can own and be eligible to receive CalWORKs benefits. If someone in your family is at least 60 years of age the limit is \$3000. Your residence and furniture are not part of the limit. You may own a vehicle worth up to \$4650. If your registered vehicle is worth more than \$4650, any value over that limit will count as part of your property limit unless the vehicle is used by your family for certain special reasons. Ask your worker what those reasons are. Any vehicle you have, that cannot be sold for more than \$1500, will not count towards your property limit. Your worker can explain to you how to figure the value of any vehicle.

CalFresh:

If you only get CalFresh benefits and do not get cash aid there is no property limit. For recipients who get both cash aid and CalFresh benefits, the CalWORKs property limits (above) will apply.

CASH AID ONLY

48-Month Time Limit

As of July 1, 2011 a parent or caretaker relative is not eligible for cash aid when he/she has received cash aid for a total of 48 months. All cash aid received from CalWORKs and/or cash aid received from Tribal TANF or any other state counts toward the 48-month total. Only cash aid received on or after January 1, 1998 counts toward the 48-month total. There are exceptions to this time limit and the limit does not apply to children.

Resources/Electronic Benefits Transfer (EBT)

Any balance remaining in the EBT account at the end of the month will be considered an available resource and could make your household ineligible for cash aid if your total countable resources are more than the allowable resource limits.

Transfer of Assets Rule

Recipients can sell, exchange or change the form of their property holdings, if they get fair market value for the property (asset). If they do not get fair market value for the asset, the family will get a period of ineligibility. The period of ineligibility is figured by subtracting the amount received from the fair market value of the asset and then dividing that amount by the need standard for the family. The amount is rounded down to the next lower whole number.

CALFRESH ONLY Utility Allowances

You will be allowed a Standard Utility Allowance (SUA) deduction if you have heating and cooling costs. If you have utility costs other than heating or cooling, such as water, sewer and garbage, you will be given a Limited Utility Allowance (LUA) deduction. If you only have a telephone cost, you will be given a Telephone Utility Allowance (TUA) deduction. The SUA, LUA and TUA are used to reduce your income, which helps you get more benefits.

MEDI-CAL/34-COUNTY CMSP ONLY Spending Down Excess Property

- If you get or apply for Medi-Cal/34-County CMSP Only and you have more property than the rules allow, you may lower it by the last day of any month, including the month of application. For Medi-Cal you may spend your excess property in any manner you want. But you may not be eligible for nursing facility level of care for a period of time if you sell or give away any property for less than its worth, and you apply for or receive Medi-Cal nursing facility level of care within 30 months of the transfer.
- You may not be eligible for 34-County CMSP if you sell or give away any property for less than it is worth.

Resources And Property

- All Medi-Cal benefits received after age 55 are subject to recovery from a deceased Medi-Cal recipient's estate. However, recovery may not exceed the value of the estate. Recovery may not occur if the beneficiary is survived by a spouse. The state may not claim the proportionate share of an estate left to a minor child or a totally disabled adult child. In addition if recovery would cause an undue hardship for any other heirs and that hardship can be demonstrated, recovery may be waived in full or in part.
- If you are institutionalized and your home or former home is not exempt, the state may record a lien against your property to repay the cost of medical care covered by Medi-Cal.

AVAILABLE SERVICES

Women, Infants and Children (WIC) Supplemental Nutrition Program: The WIC Program is only for pregnant and breast feeding women, infants and children under age 5, who are at medical-nutritional risk. For more facts about WIC, call your local county health department or the phone number for "WIC" in the telephone book.

Voter Registration: If you want to register to vote, ask your worker to send you a registration form. If you need help filling it out, ask your worker. You can mail the form yourself. Your eligibility for aid will not be affected whether or not you register. Your worker will not tell you how to vote.

PENALTY WARNINGS

If on purpose you don't report all facts or give wrong facts to get or keep getting benefits, you can be legally prosecuted, and can be charged with committing a felony if more than \$400 is wrongly paid out for cash aid, CalFresh benefits, or Medi-Cal because you did not report all of your facts or changes in income, property, or family status. And you can be disqualified from getting cash aid or CalFresh benefits.

Disqualification Penalties

Cash Aid and CalFresh

Disqualification penalties start after a state hearing or court of law finds that the individual has committed an Intentional Program Violation (IPV). Also, anyone who is accused of committing an IPV may agree to be disqualified by signing an Administrative Disqualification Consent Agreement or an Disqualification Hearing Waiver. Anyone who signs one of these documents gives up any hearing rights and accepts responsibility to repay any cash aid overpayment and/or CalFresh overissuance.

Cash Aid Penalties

If you do not follow cash aid rules, you may be fined up to \$10,000 and/or sent to jail/prison for 5 years.

And if you are found guilty by court of law or an administrative hearing of committing certain types of fraud, your cash aid can be stopped for 6 months, 12 months, 2 years, 4 years, 5 years or forever.

CalFresh Only

If your household receives CalFresh benefits, it must follow these rules:

- Don't give wrong or incomplete facts to get or keep getting CalFresh benefits.
- Don't trade or sell your EBT card.
- Don't alter your EBT card to get CalFresh benefits you are not entitled to get.
- Don't use CalFresh benefits to buy ineligible items such as alcoholic drinks, tobacco, paper, or cleaning products.
- Don't use someone else's EBT card for your household.

CalFresh Penalties

If you do not follow CalFresh rules, your benefits can be stopped for 12 months for the first violation, 24 months for the second, and forever for the third. You may be fined up to \$250,000 and/or sent to jail/prison for 20 years. If you are found guilty in any court of law or administrative hearing because:

- you traded or sold CalFresh benefits for firearms, ammunition, or explosives, your CalFresh benefits can be stopped forever for the first violation;
- you traded or sold CalFresh benefits for controlled substance, your benefits can be stopped for 24 months for the first violation and forever for the second;
- you traded or sold CalFresh benefits that were worth \$500 or more, your CalFresh benefits can be stopped forever;
- you filed two or more applications for CalFresh benefits at the same time and gave the county false identity or residence information, your CalFresh benefits can be stopped for 10 years.

APPLICANT/RECIPIENT CERTIFICATION

- I understand that one of the intended purposes for the cash aid is to help meet the basic needs of my family, including housing, food, clothing.
- I understand my rights and responsibilities and agree to comply with my responsibilities.
- I also understand the penalties for giving incomplete or wrong facts, or for failing to report facts or situations that may affect my eligibility or benefit level for cash aid or CalFresh, and/or my Medi-Cal/34-County CMSP share of cost.
- I certify I was given a copy of The Rights, Responsibilities, and Other Important Information (SAWS 2A QR).

- I also certify that, if I applied for or get cash aid, I got a copy of the following:

☐ Welfare to Work Informing Notice (WTW 5)

(APPLICANT/RECIPIENT'S INITIALS)

- I also certify that if I applied for Medi-Cal/34-County CMSP, I got a copy of the MC 219 /CMSP 219 and its contents were explained to me.

ELIGIBILITY WORKER'S CERTIFICATION

I certify that the applicant/recipient appears to understand:

- his/her rights and responsibilities and
- the penalties for giving incomplete or wrong facts, or for failing to report facts or situations that may affect his/her eligibility or benefit level for cash aid or CalFresh, and/or share of cost for Medi-Cal/34-County CMSP

I also certify that the applicant/recipient was given a copy of:

- The Rights, Responsibilities, and Other Important Information (SAWS 2A QR)

- For cash aid:

☐ Welfare to Work Informing Notice (WTW 5)

- For Medi-Cal/34-County CMSP: the MC 219/CMSP 219 and that its contents were explained to him/her.

Signature (Parent or Caretaker Relative, CalFresh Household Member or Authorized Representative, Medi-Cal/34-County CMSP Applicant/Beneficiary)

Date

Signature (Other Parent Living in the Home, Registered Domestic Partner)

Witness, if You Signed With An "X"

Date

Eligibility Worker's Signature

Eligibility Worker's Number

Date

PENALTY WARNINGS

If on purpose you don't report all facts or give wrong facts to get or keep getting benefits, you can be legally prosecuted, and can be charged with committing a felony if more than \$400 is wrongly paid out for cash aid, CalFresh benefits, or Medi-Cal because you did not report all of your facts or changes in income, property, or family status. And you can be disqualified from getting cash aid or CalFresh benefits.

Disqualification Penalties

Cash Aid and CalFresh

Disqualification penalties start after a state hearing or court of law finds that the individual has committed an Intentional Program Violation (IPV). Also, anyone who is accused of committing an IPV may agree to be disqualified by signing an Administrative Disqualification Consent Agreement or an Disqualification Hearing Waiver. Anyone who signs one of these documents gives up any hearing rights and accepts responsibility to repay any cash aid overpayment and/or CalFresh overissuance.

Cash Aid Penalties

If you do not follow cash aid rules, you may be fined up to \$10,000 and/or sent to jail/prison for 5 years.

And if you are found guilty by court of law or an administrative hearing of committing certain types of fraud, your cash aid can be stopped for 6 months, 12 months, 2 years, 4 years, 5 years or forever.

CalFresh Only

If your household receives CalFresh benefits, it must follow these rules:

- Don't give wrong or incomplete facts to get or keep getting CalFresh benefits.
- Don't trade or sell your EBT card.
- Don't alter your EBT card to get CalFresh benefits you are not entitled to get.
- Don't use CalFresh benefits to buy ineligible items such as alcoholic drinks, tobacco, paper, or cleaning products.
- Don't use someone else's EBT card for your household.

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If you do not follow CalFresh rules, your benefits can be stopped for 12 months for the first violation, 24 months for the second, and forever for the third. You may be fined up to \$250,000 and/or sent to jail/prison for 20 years. If you are found guilty in any court of law or administrative hearing because:

- you traded or sold CalFresh benefits for firearms, ammunition, or explosives, your CalFresh benefits can be stopped forever for the first violation;
- you traded or sold CalFresh benefits for controlled substance, your benefits can be stopped for 24 months for the first violation and forever for the second;
- you traded or sold CalFresh benefits that were worth \$500 or more, your CalFresh benefits can be stopped forever;
- you filed two or more applications for CalFresh benefits at the same time and gave the county false identity or residence information, your CalFresh benefits can be stopped for 10 years.

APPLICANT/RECIPIENT CERTIFICATION

- I understand that one of the intended purposes for the cash aid is to help meet the basic needs of my family, including housing, food, clothing.
- I understand my rights and responsibilities and agree to comply with my responsibilities.
- I also understand the penalties for giving incomplete or wrong facts, or for failing to report facts or situations that may affect my eligibility or benefit level for cash aid or CalFresh, and/or my Medi-Cal/34-County CMSP share of cost.
- I certify I was given a copy of The Rights, Responsibilities, and Other Important Information (SAWS 2A QR).

- I also certify that, if I applied for or get cash aid, I got a copy of the following:

☐ Welfare to Work Informing Notice (WTW 5)

(APPLICANT/RECIPIENT'S INITIALS)

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I also certify that the applicant/recipient was given a copy of:

- The Rights, Responsibilities, and Other Important Information (SAWS 2A QR)

- For cash aid:

☐ Welfare to Work Informing Notice (WTW 5)

- For Medi-Cal/34-County CMSP: the MC 219/CMSP 219 and that its contents were explained to him/her.

Signature (Parent or Caretaker Relative, CalFresh Household Member or Authorized Representative, Medi-Cal/34-County CMSP Applicant/Beneficiary)		Date
Signature (Other Parent Living in the Home, Registered Domestic Partner)	Witness, if You Signed With An "X"	Date
Eligibility Worker's Signature	Eligibility Worker's Number	Date

IMPORTANT INFORMATION

New Reporting Requirements for CalWORKs and CalFresh

The county is changing your case from Quarterly Reporting to Annual Reporting. Below are the changes that are effective October 1, 2012.

Reporting Rules

Before, you turned in a QR 7 every 3 months.

As of October 1, 2012, you will only need to complete an annual redetermination/recertification (RD/RC). If you have earned income and you receive CalFresh benefits, then you have an RC every 6 months.

Just like Quarterly Reporting, you will receive an appointment letter in the mail when your RD/RC is due. If you miss your RD/RC appointment and don't make it up by the end of the month, **your aid will stop.**

Example: On March 18, 2013, you receive an appointment letter from the county that says your RD/RC appointment is on April 4, 2013. If you miss the appointment and don't make it up by the end of the month, your case will be discontinued.

Welfare to Work Reporting Rules

Although you no longer have to submit a QR 7, you may still have to submit other reports to the county. For example: If you are working and report your work hours to the county, you will still have to do that if the county asks you to.

Changes to the Income Reporting Threshold (IRT) Rules

The IRT is the amount of total monthly income that you have to report **within 10 days**. By "total monthly income" we mean any money your household gets. The County will tell you your IRT amount and any time your IRT changes, the county will let you know in writing.

For CalWORKs: The amount of income that you have to report within 10 days is changing. The IRT is based on your total income and the number of people in your household. Before, we would stop your benefits if your total income was over the IRT. Under the new rule, when you report income over your IRT, the county may lower or stop your benefits.

Example: If your IRT is \$900 and you get income of \$800 you do not have to report the change until your next RD/RC. If you get income of \$901 or more you must report it to your worker within 10 days. Your benefits will go down or stop. If your benefits go down, the county will give you a new IRT.

For CalFresh: Before, you did not have an IRT. Effective October 1, 2012, you will have to report within 10 days anytime your source of income changes, anytime your total monthly income starts or stops, anytime your earned income changes by more than \$100, or anytime your unearned income changes by more than \$50.

Mandatory Reporting Rules

For CalWORKs, mandatory reporting rules are the same as under Quarterly Reporting, with one addition: you must report within ten days anytime someone moves into or out of your household.

For CalFresh, in addition to the income reporting requirements, you must also report within 10 days anytime you move, changes to your rent or utility costs (**only** if you move), any change in the amount of any court-ordered child support, or anytime someone moves into or out of your household.

Voluntary Reporting Rules are the same.

Voluntary reports may increase your benefits.

IMPORTANT INFORMATION - PLEASE READ NEW REPORTING REQUIREMENTS FOR CalWORKs AND FOOD STAMP RECIPIENTS

The State of California is changing the way you report things that affect your eligibility for Cash Aid and Food Stamps. Instead of reporting changes every month, you will now have to report most changes every three months.

You will be assigned a "report month" for each quarter (three months). This is the second month of each quarter. For example, if your quarter is January, February and March, February is your "report month" and your quarterly report is due by the 5th day of March.

FOR EXAMPLE:

If your quarter begins in	Your "Report Month" is	Your QR 7 is Due by the 5th of
January	February	March
April	May	June
July	August	September
October	November	December

The Quarterly Report (QR 7) is always due by the 5th day of the month following your "report month" and will be considered late if not received by the 11th day of the month. If your Quarterly Report (QR 7) is late, you may be overpaid. If you are overpaid, you will have to pay back any Cash Aid or Food Stamp benefits that you were not supposed to get.

For your report to be complete, you must answer all the questions, sign and date it after the last day of your report month and attach proof if the form asks for it. If you do not turn in a completed QR 7 by the end of the first working day of the month after your report is due, your household's Cash Aid and/or Food Stamps will be stopped.

What you must report on the Quarterly Report (QR 7):

Earned Income:

All gross income received in the report month by you or anyone in your household. This includes wages; tips; vacation pay; cash bonuses; money from self employment or from a training program; also any work done in exchange for free rent, clothing or food.

Unearned or Disability Based Income:

All other income received in the report month by you or anyone in your household. This includes child/spousal support; interest or dividends; gambling/lottery winnings; insurance or legal settlements; strike benefits; cash, gifts, loans, scholarships; tax refunds; any government benefits, like Social Security, Supplemental Security Income/State Supplementary Payment (SSI/SSP), unemployment, worker's compensation, state disability indemnity, veterans or railroad retirement, or other private or government disability or retirement; rental income and rental assistance; free housing/utilities/clothing/food; or any other type of money received.

You must also report on your Quarterly Report any changes in income that you expect to happen during the next quarter (three months). This includes earned, unearned and disability based income changes.

Property:

Any property including, motor vehicles; bank accounts; savings bonds; insurance policies; a home or land; trust; EBT cash balance, etc. that you or anyone in your household has received since your last Quarterly Report and still has, whether it was bought, obtained through a trade or as a gift. The county will use this information to determine if your household exceeds the property limit. You must also report if you or anyone sold, traded or gave away any property since your last Quarterly Report.

You move or someone moves into or out of your home:

Anyone (including newborns) who moved into your home since your last Quarterly Report and is still there. You must also report anyone who moved out of your home or who has died since your last Quarterly Report.

Someone becomes pregnant:

Anyone (including minor children) who becomes pregnant since your last Quarterly Report. Pregnant members in your home may be eligible for a pregnancy special needs payment. Also, if your minor child has not completed high school or its equivalent and becomes pregnant, she may be eligible for additional services under the Cal-Learn Program.

Convicted Drug Felons, Fleeing Felons and Probation/Parole Violators:

The name of anyone in your household who is either avoiding or running from the law to avoid a felony prosecution, custody or confinement after conviction, or in violation of probation or parole. You must also report anyone in your household who has been convicted of a drug-related felony for possession, use or distribution of a controlled substance(s). Once you have reported this information on your Quarterly Report, you do not need to report this information about the same person every quarter.

Reduced hours of work:

If you are an Able-Bodied Adult Without Dependents (ABAWD) Food Stamp recipient, you must report when your hours of work or training drop below 20 hours a week or 80 hours a month. You must also report if you expect your work or training hours to drop below these limits during the next three months.

Other things that happened since your last report.

Some other things that you will need to report include, Job/Training (started, stopped, quit, refused a job or training, the number of hours worked or in training went up or down, or went out on strike); Citizenship/Immigration Status (a citizenship or immigration status change or anyone got a new card, form or letter from the INS); Babies (became pregnant, had a baby, aborted or miscarried); Marital status (married, divorced or separated); Disability (became disabled or recovered from a disability/major illness); Insurance (started, stopped, or changed life, dental or health insurance benefits including MEDICARE coverage); IHSS (started or stopped getting In-Home Supportive Services); School-Ages 6 through 17 (For Cash Aid Only: stopped or started attending school regularly); School-Age 16 or older (started or stopped school or college. Cost of tuition, school transportation, etc.).

Changes you must report at other times:

There are times that you must report changes (within ten (10) days of the change) even if it is not your "report month" such as:

- If you receive Cash Aid, you must report anytime that your family's combined gross income (both earned and unearned) is more than the Income Reporting Threshold (IRT) for a family of your size. Your county worker will tell you the IRT for a family of your size. **Families that only have unearned income or that only get Food Stamps will not be required to report income except on the Quarterly Report form.**
- If you receive Cash Aid, you must report anytime that someone in your household is convicted of a drug related felony for possession, use or distribution of a controlled substance(s), becomes a fleeing felon or is in violation of a condition of probation or parole.
- If you receive Cash Aid and/or Food Stamps, you must report your address change so that the County will know where to send your benefits, Quarterly Report forms and notices.
- If you are an Able Bodied Adult Without Dependents (ABAWD) Food Stamp recipient, you must report anytime the number of hours you work or are in training drop to less than 20 hours a week or 80 hours a month.

Some information you are required to report will cause your benefits to go down or stop (such as having too much income or convicted drug felons and fleeing felons or probation/parole violators).

Changes you may report:

You can also report other information voluntarily even when it is not your "report month." Reporting information voluntarily may cause your household's benefits to go up. If the information voluntarily reported causes your benefits to go up, the county will take action within ten days after you provide verification. One exception is when the increase results from adding another person to your case. In that situation, the County will take action to increase benefits the first of the month after you provide verification. **Even if you have already voluntarily reported something to the County, you must also report it on your next Quarterly Report (QR 7).**

Some examples of voluntary reporting that may cause some of your benefits to go up include:

- Someone who has no income moves into your home (including a newborn).
- Someone (including minor children) becomes pregnant.
- Someone who has income moves out of your home.
- You believe that you or someone in your household is eligible for a CalWORKs Special Needs payment, such as pregnancy special needs or a qualifying special diet.
- Someone in your household is disabled or aged 60 or older and reports new medical expenses that you would like to use to figure your Food Stamp benefits.

If the change you report will cause any of your benefits to go down, it will happen in the new quarter.

At anytime, you can ask the County to discontinue your entire case or any individual person who has left the home or is not required to be in the assistance unit. You can also ask the County to stop certain benefits, such as: Medi-Cal or Food Stamps. Receiving Medi-Cal and/or Food Stamps only will not count against your Cash Aid time limits.

Other changes that will cause the County to lower or stop your benefits during the quarter in which they happen.

Here are some examples:

- An adult in the household reaches the CalWORKs 60-month time limit;
- A household member is sanctioned/penalized;
- A child (who is not pregnant or who is not a parent) reaches the age of 18 (and will not graduate from high school before the age of 19);
- Someone in your household starts getting benefits in another household;
- An eligible child is placed in Foster Care.
- An Able Bodied Adult Without Dependents (ABAWD) Food Stamp recipient's number of hours worked or training drops to less than 20 hours per week or 80 hours per month.

How the County will figure your Cash Aid and Food Stamps:**New budgeting rules**

The amount of Cash Aid and/or Food Stamps you can get depends on your income and allowable expenses. The income and expenses you expect to have in the next three months will be used to figure the amount of Cash Aid and/or Food Stamps you can get for those three months. Information that you put on the QR 7 will be used to figure the amount of your Cash Aid and/or Food Stamps for the next quarter (three months).

For example, if you turn in a QR 7 in March, you will report what income you had in February. You will also report any income and expense changes you expect to have in April, May, and June. If your income and/or expenses from February are expected to stay the same, your Cash Aid and/or Food Stamps for April, May, and June will be figured using February's income and expenses. If your income and/or expenses are expected to change, your worker will use the new income and/or expense amounts you think you'll get in April, May, and June to figure your Cash Aid and/or Food Stamp amount for those months. This is called prospective budgeting.

Failure to report and/or purposely reporting false or inaccurate information:

Failure to report the required information or purposely reporting false or inaccurate information may result in your benefits being overpaid. Any overpaid benefits caused by your failure to report or purposely reporting false or inaccurate information **MUST** be repaid. You may also be subject to fraud charges/penalties if you do not report required information to the County.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2014-1010-01	REGULATORY ACTION NUMBER 2015-0514-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (If any)

ORD # 0813-09

For use by Secretary of State only

ORIGINAL FILED
in the office of the Secretary of State
of the State of California

JUN 23 2015

At 2:07 O'Clock P. M.By [Signature]
Deputy Secretary of State**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2014, 442	PUBLICATION DATE 10/31/2014	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Adam Walsh Regulations for CDSS		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 35270 per agency request 6/22/2015	
TITLE(S) 22 / MPP per agency request		AMEND 35037, 35181, 35183, 35184, 35269, 35271, 35273	
3. TYPE OF FILING per agency request 6/22/2015		REPEAL per agency request 6/22/2015	
☒ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b)) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify) _____ ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Ying Sun		TELEPHONE NUMBER (916) 657-1898	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) ying.sun@dss.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Brian Dougherty, Acting Deputy Director, Administration Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 23 2015

Office of Administrative Law

Amend Section 35037 to read:

35037 FEES (Continued)

35037

- (b) Adoption agencies shall collect fees for criminal record clearances pursuant to Family Code sections 8712(~~e~~)(d), 8811(~~e~~) (d) and 8908(~~e~~)(d).

(1) — Reserved

(2) — Reserved

(4) (1) (Continued)

Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8901, and 9203(gf), Family Code.

Reference: Sections 8712(c) (d), 8716, 8810, 8811(c) (d), 8907, 8908(c) (d), and 9203(gf), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

Amend Section 35181 to read:

35181 FULL ASSESSMENT OF THE ADOPTIVE APPLICANT

35181

(b) (Continued)

(12) The results of a screening for any criminal background of the applicant and any other adults residing in the home and, ~~if required by Section 35184(e)(1), the FBI criminal record, if any, from the DOJ.~~

(13) ~~The results of a screening for prior referrals for child abuse or neglect.~~ out-of-state child abuse and neglect registry checks for the applicant and any other adult in the household who has lived in another state in the preceding five years.

(14) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 361.5, 366.21, and 366.22, Welfare and Institutions Code; Family Code; and Adam Walsh Child Protection & Safety Act of 2006, Public Law 109-248.

Amend Section 35183 to read:

35183 ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT 35183
(Continued)

(c) The agency shall obtain ~~from the applicant, at least, the following information~~ the following information from the applicant: (Continued)

(9) The results of a screening for any criminal background of the applicant and any other adults residing in the home, ~~unless the agency has a current contract with the DOJ for the Subsequent Arrest Notification Services regarding them as specified in Section 35184.(d) and, if required, by Section 35184(e) the FBI criminal record.~~

(10) The results of out of state child abuse registry checks for the applicant and any adult in the household who has lived in another state in the preceding five years.

(11) ~~(10)~~ (Continued)

(12) ~~(11)~~ (Continued)

(13) ~~(12)~~ (Continued)

(14) ~~(13)~~ (Continued)

(d) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

Amend Section 35184 to read:

35184 CRIMINAL BACKGROUND CHECK OF APPLICANTS

35184

- (a) The agency shall complete a criminal record check of all applicants and any other adults residing in the home to obtain, ~~if any,~~ the full state and federal criminal record history from the Department of Justice (DOJ) pursuant to Family Code Section 8712(a). An investigation of the facts regarding prior arrests or convictions may lead to a denial of the adoption home study.

HANDBOOK BEGINS HERE

- ~~(1) Family Code Section 8712(a) states:~~

~~"The department or licensed adoption agency shall require each person filing an application for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. The department or licensed adoption agency may also secure the person's full criminal record, if any."~~

- ~~(2) "A criminal background check of all applicants will facilitate a determination of their suitability as prospective adopted parents. This check will indicate any pattern of criminal behavior and history of acts involving violence (including domestic violence), child abuse or neglect, and crimes against children that affect the applicant's parenting ability."~~

All adoptive applicants and others residing in the home are required to undergo a criminal history background check as a precondition for placement of a child in an agency adoption.

See Family Code section 8712.

HANDBOOK ENDS HERE

- ~~(b) The agency shall obtain copies of the full criminal record and child abuse index report, if available, from the county or licensing agency if:~~
- ~~(1) The applicants are licensed or certified foster parents.~~
- ~~(2) The applicants are relatives of the child being adopted.~~
- (e)(b) For all other applicants for whom criminal record information is not otherwise available from a state counties or county licensing agency, the agency shall submit to the DOJ one set of fingerprints for each applicant.

- (1) The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.
- (c) If the applicant or any other person in the household has lived in another state in the preceding five years, the agency shall perform additional child abuse registry checks.
- (d) If the criminal record of an applicant or any other person in the household indicates any conviction or arrest other than a minor traffic violation, the agency shall request the applicant or any other person in the household provide the agency with a copy of a police report for each conviction or arrest, or a letter from a law enforcement agency that the report does not exist. If the law enforcement agency will not release a crime report to the subject, the agency shall order the report. If the report is determined to be unavailable and the applicant submits evidence that the applicant is unable to obtain a letter from a law enforcement agency, the applicant shall submit a written signed statement concerning the circumstances of each conviction or arrest.

HANDBOOK BEGINS HERE

~~(A) Form BID-7 is used to submit a set of fingerprints to the DOJ.~~

~~1. The BID-7 Forms may be ordered at no charge from the DOJ.~~

~~(B) The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual may be obtained from the DOJ at no cost.~~

~~(C) DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.~~

~~(D) The address for the DOJ is:~~

~~Department of Justice
Applicant and Public Service Section
P.O. Box 903347
Sacramento, CA 94203-3470~~

~~1. For an additional minimal fee, expedited processing which returns the clearances to the agency in approximately twenty five (25) working days is available. The address for this service is:~~

~~Department of Justice
Applicant Expedited Services
P.O. Box 903347
Sacramento, CA 94203-3470~~

(E) ~~If the fingerprints cannot be read by DOJ, the prints should be retaken and resubmitted to DOJ. The first set which were not readable should be attached to the second submittal. If the second set cannot be read, a third set should be taken and submitted. The first two attempts should be attached to the third submittal. If the third set cannot be read, the agency may accept a name check by DOJ. The case record should indicate these attempts.~~

1. ~~After three unsuccessful print submittals, the agency may also have the applicant obtain a letter stating the findings after a name check in the California Law Enforcement Telecommunication System (CLETS) has been completed by the local law enforcement agency having jurisdiction in the city and/or county of their residence~~

(F) ~~In lieu of rolling inked fingerprints on standardized fingerprint cards, applicants may use the California Crime Information Intelligence System (CAO CII) also known as "Live Scan Technology", when available. The Live Scan Technology provides electronic finger imaging. Each print is immediately calculated and the data transmitted electronically to DOJ for processing. This process has virtually no rejected fingerprints and greatly expedites fingerprint processing.~~

For applicants who are dual amputees, a BCIA 9010 Request For DOJ Name Check form must be filled out. After completing all the requested information on the form, the applicant must take the form to a law enforcement agency. A law enforcement official will verify that the individual cannot be fingerprinted. The form submitted to DOJ must have the original signature of the law enforcement official. Failure to have a law enforcement official verify the individual's inability to provide fingerprint images will result in the applicant agency being notified of DOJ's denial of the request. Once verified and signed by law enforcement, mail this form, along with a Billing Transmittal form (Pre-paid, Billed or Credit Card), to the following address:

California Department of Justice
Bureau of Criminal Information and Analysis
Applicant Response Section
P.O. Box 903417
Sacramento, CA 94203-4170

Live Scan fingerprints should be taken if the applicant resides in California. If the Live Scan prints are rejected for poor quality prints, the applicant must return to the Live Scan site and have their fingerprints redone with the Live Scan operator referencing the ATI number from the first printing and entering it as the OATI number for the second printing. If the fingerprints reject again on the second printing, DOJ will automatically do a name check for the California response.

For an FBI name check, fill out a Request for Applicant Name Check By the Federal Bureau of Investigation (FBI) form (BCIA 8020) and send it in following the instructions on the form within 75 days from the date of the second rejection notice.

Fingerprint cards (FD-258) should only be used for applicants residing outside of California as well as persons that are physically unable to provide Live Scan prints such as single amputees, persons with disabilities or persons whose print quality is extremely poor. Poor quality prints can still be picked up by a Live Scan device and transmitted, whereas some applicants' prints are so poor that the device will not register the prints. Whenever possible, Live Scan should be used.

For persons with extremely poor print quality that will not register on a Live Scan device, a fingerprint card (FD-258) should be used. The card must have impressions for each fingerprint box on the fingerprint card. If a finger cannot be used, a knuckle smudge will suffice, but the fingerprint card must have the appropriate knuckle smudge for every corresponding finger space on the card. When a fingerprint card is rejected due to poor quality prints, a second fingerprint card will need to be submitted. The second fingerprint card must have the OATI number entered in the space between the "CLASS" and "REF" fields (the OATI would be the ATI number provided on the initial reject response). Once the fingerprint card is rejected a second time, DOJ will automatically do a name check for the California response. For an FBI name check, fill out a Request for Applicant Name Check By the Federal Bureau of Investigation (FBI) form (BCIA 8020) and send it in following the instructions on the form within 75 days from the date of the second rejection notice.

All fingerprint cards (FD-258) must be accompanied with a Billing Transmittal form (Pre-paid, Billed or Credit Card). Send the fingerprint cards (FD-258) and the Billing Transmittal form to the following address:

California Department of Justice
Bureau of Criminal Information and Analysis
Pre-Scan Unit, Room K-111
P.O. Box 903417
Sacramento, CA 94203-4170

HANDBOOK ENDS HERE

(d) (e) (Continued)

- (1) — ~~When the adoption has been finalized, denied, or dismissed, the Bureau of Criminal Identification shall be asked to discontinue sending subsequent arrest information about a subject previously fingerprinted for adoption purposes pursuant to Penal Code Section 11105.2.~~

- (1) Pursuant to Penal Code section 11105.2, the agency shall notify the DOJ when the adoption has been denied, dismissed, or finalized to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption.

HANDBOOK BEGINS HERE

- (A) ~~Penal Code Section 11105.2(c) states:~~

~~"Any agency which submits the fingerprints of applicants for licensing, employment, or certification to the Department of Justice for the purpose of establishing a record of the applicant to receive notification of subsequent arrests shall immediately notify the department when the employment of the applicant is terminated, when the applicant's license or certificate is revoked, or when the applicant may no longer renew or reinstate the license or certificate. The Department of Justice shall terminate subsequent arrest notification on any applicant upon the request of the licensing, employment, or certifying authority."~~

See Penal Code section 11105.2

HANDBOOK ENDS HERE

- (2) If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service. ~~active.~~

HANDBOOK BEGINS HERE

- (A) The DOJ has utilizes ~~a simple on-page~~ the BCIA form 8049 for this purpose entitled: "Contract for Subsequent Arrest Notification Service." ~~This form may be obtained from, and returned to, the same address as provided in Section 35184(e)(1)(D).~~ The form can be accessed on the DOJ website using the following link:

<http://ag.ca.gov/fingerprints/forms/subarr.pdf>

- (1) The DOJ Bureau of Criminal ~~Identification~~ Information and Analysis ~~has a~~ utilizes form BCIA 8302 entitled, "No Longer Interested (NLI) Notification" ~~to be used for this purpose to terminate the notification of subsequent arrests.~~

The form can be accessed on the DOJ website using the following link:

<http://ag.ca.gov/fingerprints/forms/nli.pdf>

HANDBOOK ENDS HERE

- (e) (f) The public or private adoption agency shall obtain the FBI criminal record, if any, of the applicant and any other adults residing in the home, from the DOJ, when they have resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that they may have committed a crime in another jurisdiction.

HANDBOOK BEGINS HERE

- (1) Reason to believe that they may have committed a crime in another jurisdiction may be based on considerations such as the following:
- (A) Statements or actions by them; statements by people providing references; a history of arrests and convictions in California; and employment in another state.
- (2) A licensed public adoption agency or an adoptions district office (DO) of CDSS may obtain FBI criminal record information directly from the DOJ regarding them if required by Section 35184(f) by submitting one set of fingerprints for each individual requiring an FBI criminal record clearance to the DOJ.
- (3) A licensed private adoption agency may obtain an FBI criminal record clearance for them if required by Section 35184(f) as follows:
- (A) Submit a separate set of fingerprints to the DOJ for the FBI criminal record designating the CDSS Adoptions Branch as the "CONTRIBUTING AGENCY."
 - (B) Clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance request.
 - (C) Submit a copy of the criminal record clearance to CDSS Adoptions Branch to request the CDSS to complete an assessment of the applicant's FBI criminal record when it is received from the DOJ. For notification purposes, the agency shall include its name and address on this copy of the request.

1. Refer to Section 35184(c)(1)(A) for related information.

2. The address for the CDSS Adoptions Branch Services Bureau is:

744 P Street, MS 19-31
Sacramento, CA 95814

A public adoption agency may obtain FBI criminal records directly from the DOJ. A private adoption agency may obtain FBI criminal record notification directly from the California Department of Social Services(CDSS) as required by Section 35184(f) regarding any applicant and any other adults residing in the home who have FBI criminal record history. Agencies should submit a new livescan form or one set of fingerprints for each individual to the Department of Justice as follows:

The private adoption agency shall complete the Live Scan form by checking the box for FBI only. The Contributing Agency will be the California Department of Social Services, the ORI number is A1772 and the Mailcode is 09990. The private adoption agency must also enter their Adoption License Facility Number in the OCA field . The results from the FBI only Live Scan fingerprint will be sent to the CDSS who will review the criminal history and verify if it falls under the Adam Walsh Child Protection and Safety Act of 2006. The department will send the private agency the appropriate notice after reviewing the criminal history.

The public or private agency shall utilize the Live Scan form checking both boxes for DOJ and FBI which will enable the agency to get background check results directly from the DOJ.

HANDBOOK ENDS HERE

- (D) (g) The agency shall obtain new sets of electronic fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 8712, Family Code; and Section 11105.2, Penal Code-; Section 1522.1 Health & Safety Code.

Amend Section 35269 to read:

35269 DOCUMENTATION FROM THE APPLICANT (Continued)

35269

(a) (Continued)

- (5) The full state and federal criminal record, ~~if any,~~ from the State Department of Justice (~~DOJ~~).

HANDBOOK BEGINS HERE

~~(A) Family Code Section 8908(a) reads as follows:~~

~~"(a) A licensed adoption agency shall require each person filing an application for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. The licensed adoption agency may also secure the person's full criminal record, if any."~~

HANDBOOK ENDS HERE

~~(B) The Agency shall submit one set of fingerprints for each applicant to the DOJ.~~

- ~~1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.~~

Sections 35269(a)(5)(B) and 35269(a)(5)(B)1 renumbered to Sections 35270(c) and 35270(c)1.

HANDBOOK BEGINS HERE

~~2. The DOJ form BID-7 is used to submit a set of fingerprints to the DOJ.~~

~~3. The BID-7 forms can be ordered at no charge from the DOJ.~~

~~4. The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual can be obtained from the DOJ at no cost.~~

~~5. DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.~~

6. ~~The address for the DOJ is:~~

Department of Justice
Bureau of Criminal Identification
P.O. Box 903417
Sacramento, CA 94203-4170

HANDBOOK ENDS HERE

Section 35269(a)(5)(C) and Handbook Section 35269(a)(5)(C)1 renumbered to Section 35270(d) and Handbook Section 35269(d).

Section 35269(a)(5)(D) and Handbook Section 35269(a)(5)1. and 2. renumbered to Section 35270(e) and Handbook Section 35270(e).

~~(E) The agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ in the event of subsequent adoptions unless the Subsequent Arrest Notification Services is still in effect.~~

~~(6) The FBI criminal record, if any, of the applicant, from the DOJ when the applicant has resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that the applicant may have committed a crime in another jurisdiction.~~

~~(A) The agency shall have reason to believe that the person may have committed a crime in another jurisdiction because of, but not limited to, the following: statements or actions by the applicants; statements by people providing references; a history of arrests and convictions in California; and employment in another state.~~

HANDBOOK BEGINS HERE

~~(B) In addition, the Immigration and Naturalization Services (INS) requires an FBI criminal record clearance for each applicant. This clearance is obtained by the INS.~~

HANDBOOK ENDS HERE

~~(C) A licensed private adoption agency shall obtain an FBI criminal record clearance for its applicants if required by Section 35269(a)(6) as follows:~~

- ~~1. Submit a separate set of fingerprints to the DOJ for the FBI criminal record clearance designating the CDSS Adoptions Branch as the "CONTRIBUTING AGENCY."~~

2. ~~Clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance request.~~
3. ~~The agency shall submit a copy of the criminal record clearance request to the CDSS Adoptions Branch to request the CDSS to complete an assessment of the applicant's FBI criminal record when it is received from the DOJ. For notification purposes, the agency shall include its name and address on this copy of the request.~~

HANDBOOK BEGINS HERE

4. ~~Refer to Section 36269(a)(5)(B) for related information.~~
5. ~~The address for the CDSS Adoptions Branch is:~~

~~CDSS Adoptions Branch
Services Bureau
744 P Street, MS 19-31
Sacramento, CA 95814~~

HANDBOOK ENDS HERE

Section 35269(a)(6)(D) renumbered to Section 35270(f).

Authority cited: Sections 10553 and 10554, Welfare & Institutions Code Section 1530, Health and Safety Code; and Sections 8621 and 8900, Family Code.

Reference: Sections 89001, 8902, 8904, and 8908, Family Code

Adopt Section 35270 to read:

35270 CRIMINAL BACKGROUND CHECKS

35270

- (a) A licensed adoption agency shall complete a criminal background check of all applicants and any other adults residing in the home to obtain the full state criminal record from the Department of Justice (DOJ) and FBI pursuant to Family Code section 8908.

HANDBOOK BEGINS HERE

See Family Code section 8908

The California Department of Justice provides an automated service (Live Scan) for criminal history background checks that are required for foreign adoptions. If the applicant cannot be Live Scanned, the DOJ will also accept manual fingerprint submissions. Complete instructions and addresses for obtaining and processing the documentation necessary to complete the state background check may be obtained by accessing the following link on the Department of Justice website:

<http://ag.ca.gov/fingerprints/foreignadoptions.php>

HANDBOOK ENDS HERE

- (b) If the applicant or any other person in the household has resided outside of California within the preceding five years, the licensed adoption agency must perform additional child abuse registry checks.

HANDBOOK BEGINS HERE

The licensing agency or licensed adoption agency must check all out of state child abuse and neglect registries in addition to the California Child Abuse Central Index (CACI). See Health & Safety Code Section 1522.1

HANDBOOK ENDS HERE

Section 35270(c) and 35270(c)1 renumbered from Section 35269(a)(5)(B) and 35269(a)(5)(B)1.

- (c) The Agency shall submit one set of fingerprints (electronically or manually) for each applicant to the DOJ.

1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

Section 35270 and Handbook Section 35270(d) renumbered from Section 35269(a)(5)(c) and Handbook Section 35269(a)(5)(c)1.

- (d) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the completion of the adoption.

HANDBOOK BEGINS HERE

The DOJ ~~has a simple one page~~ utilizes form BCIA 8049 for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form and mailing address can be obtained from ~~and returned to the same address as provided in Section 35269(a)(5)(B)6~~ the DOJ website at:

<http://ag.ca.gov/fingerprints/forms/subarr.pdf>

Section 35270(e) and Handbook Section 35270(e) renumbered from Section 35269(a)(5)(D) and Handbook Section 35269(a)(5)(D)1. and 2.

HANDBOOK ENDS HERE

- (e) Pursuant to Penal Code section 11105.2 ~~The~~ agency shall notify the DOJ ~~(pursuant to Penal Code Section 11105~~ when the adoption has been finalized, denied, or dismissed to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption.

HANDBOOK BEGINS HERE

1. ~~— The address for the DOJ is given in Section 35269(a)(5)(B)6.~~
2. ~~— The DOJ Bureau of Identification also has a form entitled "No Longer Interested Notification" to be used for this purpose.~~

The DOJ utilizes form BCIA 8302 for this purpose entitled: "No Longer Interested (NLI) Notification." The form and mailing address can be obtained from the DOJ website at:

<http://ag.ca.gov/fingerprints/forms/nli.pdf>

HANDBOOK ENDS HERE

Section 35270(f) renumbered from 35269(a)(6)(D)

(f) In the event of subsequent adoptions, The agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ ~~for the FBI criminal record in the event of subsequent adoptions~~ unless the Subsequent Arrest Notification Services is still in effect.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 1530 and 1522.1, Health and Safety Code; Sections 8621 and 8901, Family Code

Reference: Sections 8901 and 8908, Family Code.

Amend Section 35271 to read:

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION 35271
OF SPECIFIC CHARACTERISTICS (Continued)

(a) (Continued)

(2) (Continued)

(G) The full state criminal record, ~~if any~~, of the applicant and ~~if required by~~
~~Section 35269(a)(6)~~ the FBI criminal record, ~~if any~~, from the DOJ.

(1) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section
1530, Health and Safety Code; and Sections 8621 and 8901,
Family Code.

Reference: Sections 89001, ~~8902, 8904~~, and 8908, Family Code.

Amend Section 35273 to read:

**35273 WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING 35273
PLACEMENT OF A CHILD AND GRIEVANCE REVIEW PROCEDURES
(Continued)**

(a) (Continued)

(3) The agency shall not approve an application for adoptive placement of a child prior to receiving written notification from the SCDSS—Adoptions Services Bureau Branch that the information contained in an FBI criminal record of an applicant does not preclude an adoptive placement.

(4) (Continued)

(b) (Continued)

~~(1) When a grievance concerns an action based on the FBI criminal record, the agency shall comply with the procedures set forth at Section 35233(a)(1)(D).~~

Authorities cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code.

Reference: Sections ~~89001, 8902, 8904,~~ and 8908, Family Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-0619-05EF
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2015 JUN 19 PM 3:33

OFFICE OF
ADMINISTRATIVE LAW

For use by Secretary of State only

ORIGINAL

FILED

in the office of the Secretary of State
of the State of California

JUN 29 2015

At 2:16 O'Clock P. M.By Alustagno
Deputy Secretary of State

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (if any)

ORD #0315-06

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) AB 74 CalWORKs Regulations Changes		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT Section 42-749	
TITLE(S) MPP		AMEND Sections 41-440, 42-711, 42-716 and 44-207	
3. TYPE OF FILING		REPEAL	
☐ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☒ Emergency (Gov. Code, §11346.1(b))			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☒ Other (Specify) <u>File</u>			
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☒ Effective other (Specify) <u>July 1, 2015</u>			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Ying Sun, Manager, Office of Regulations		TELEPHONE NUMBER (916) 651-8267	FAX NUMBER (Optional) (916) 654-3286
		E-MAIL ADDRESS (Optional) Ying.Sun@dss.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <u>Brian Dougherty</u>	DATE <u>6/15/15</u>
TYPED NAME AND TITLE OF SIGNATORY Brian Dougherty, Acting Deputy Director, Administration Division	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 29 2015

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Amend Section 41-440 to read:

41-440 UNEMPLOYED PARENT PROGRAM (Continued)

41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;
(Continued)

.22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

.221 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811721(a) and 42-716.813723(a) or expanded subsidized employment income as described in Section 42-716.81, shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, ~~and~~ 11322.63(b) and 11322.64(f), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711
(Continued)

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.
(Continued)

.513 If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes of this section, including qualifications for a SIP as described in Section 42-711.541(a).

(a) Section 42-711.513 does not apply to an individual who is removed from the assistance unit due to sanction as described in Section 42-721.4, has his or her needs removed from the assistance unit's grant due to penalty as described in Section 40-105, or was ineligible to receive CalWORKs as described in Section 20-353.

.52 Appraisal (Continued)

.522 Prior to ~~or during~~ the appraisal, the CWD shall provide orientation that informs the individual in writing of the following:

(a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section ~~42-716.11~~ 42-302.1 and for the required number of participation hours pursuant to Sections ~~42-716.2, .21, and .22~~ 42-711.41 and 42.711.7.

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11. (Continued)

(2) Information regarding the welfare-to-work program shall include a description of the Welfare-to-Work 24-Month Clock described in Section 42-708.11 and the requirement to meet CalWORKs Federal Standards after 24 months in accordance with Section 42-709.13. (Continued)

.523 During the appraisal, the individual shall provide ~~information about their employment history and skills, the need for supportive services, and any other~~ relevant information the CWD requires in order to assign welfare-to-work

activities appropriately, which may include, but is not limited to, information relating to all of the following:

- (a) Employment history, interests, and skills;
- (b) Educational history, interests, and skills;
- (c) Learning disabilities as described in Section 42-711.58;
- (d) Housing status and stability;
- (e) Language barriers;
- (f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues;
- (g) Child health and well-being;
- (h) Criminal background that may present a barrier to employment or housing stability;
- (i) Past or present domestic abuse issues, as described in Section 42-715;
- (j) The need for supportive services, as described in Section 42-750; and
- (k) Any other information that may affect an individual's ability to participate in work activities.

.524 (Continued)

.525 All appraisals shall be conducted using a statewide standard appraisal tool provided by the Department.

- (a) If information from the appraisal indicates that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, or Family Stabilization as described in Section 42-749, the CWD shall evaluate the individual before requiring further participation.
- (b) At any time during the appraisal process a recipient may be identified as needing domestic abuse services. This need for services shall be evaluated and services provided pursuant to Section 42-715.2.

.53 Initial Engagement Activities

.531 Determination of Initial Engagement Activity

- (a) Unless the CWD determines that another initial engagement activity is appropriate all recipients shall participate in job search pursuant to Section 42-711.534.
- (b) If the individual is evaluated and granted Family Stabilization in accordance with Section 42-711.525(a), he or she shall participate in Family Stabilization as the initial engagement activity.
- (c) If the CWD determines that substance abuse services as described in Section 42-711.57, mental health services described in Section 42-711.56, or domestic abuse services described in Section 42-715 are appropriate for an individual, he or she shall participate in those services as the initial engagement activity.

.532 Concurrent Initial Engagement Activities

- (a) Initial engagement activities may be assigned in sequence or concurrently within a period of four consecutive weeks and throughout any extension approved by the CWD in accordance with Section 42-711.534(d) or .536(a)(1).

.533 Immediate Referral to Assessment

- (a) If the CWD determines that job search will not be beneficial and that the individual is not in need of other initial engagement activities in accordance with subdivisions (b) and (c) of Section 42-711.531, he or she shall immediately be referred to assessment and is not required to complete an initial engagement activity.
- (b) If the CWD determines that the individual would benefit from education or training activities in place of initial engagement activities, he or she shall immediately be referred to assessment and shall not complete an initial engagement activity.

~~.53~~ .534 Job Search

- ~~534~~ (a) Except as provided in Sections 42-711.531 and .533, Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:
- (a) ~~Participation in job search has been determined not be beneficial pursuant to Section 42-711.54.~~

- (b1) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (e2) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
- (d3) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
- (4A) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.
- .532 (b) Upon completion of the appraisal specified in Section 42-711.52, all participants, ~~except those specified in Section 42-711.531 and .533,~~ required to participate in job search as their initial engagement activity, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.
 - (a1) Job search activities may include use of job clubs to identify the participant's qualifications.
 - (b2) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- .533 (c) The period of job search activities may be shortened under the following circumstances:
 - (a1) The participants and the CWD agree that further job search activities would not be beneficial; or,
 - (b2) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.
- .534 (d) Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.

.535 (e) Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.535 Family Stabilization as an Initial Engagement Activity

(a) A recipient assigned to Family Stabilization as his or her initial engagement activity shall participate in Family Stabilization in accordance with Section 42-749.

(b) At the conclusion of Family Stabilization, the recipient shall be referred to assessment.

(1) A recipient who has completed assessment prior to the conclusion of Family Stabilization shall not be referred to assessment, unless the CWD determines an updated assessment is necessary to develop a welfare-to-work plan.

.536 Mental Health, Substance Abuse, or Domestic Abuse Services as an Initial Engagement Activity

(a) A recipient may be assigned to substance abuse services as described in Section 42-711.57, mental health services as described in Section 42-711.56, or domestic abuse services as described in Section 42-715, as appropriate, for a period of four consecutive weeks.

(1) This four-week period may be extended if the CWD determines that additional services are necessary in order to complete assessment and the welfare-to-work plan development process.

(b) If, at appraisal, the CWD determines that mental health, substance abuse, or domestic abuse services as an initial engagement activity may be necessary in excess of four consecutive weeks, the CWD shall concurrently refer the individual to assessment and any assignment to additional services shall be part of a welfare-to-work plan as described in Section 42-711.6.

.54 (Continued)

.55 Assessment

.551 Participants, except those excluded as provided in Section 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 ~~or~~ 421;
 - (b) The CWD determines that participation in ~~job search will not be required as the first activity because it would~~ initial engagement activities will be shortened or bypassed because they are not likely to lead to employment or are otherwise not be beneficial;
 - (c) ~~The CWD decides to shorten job search because it is not likely to lead to employment, or;~~
 - (c) The CWD determines that participation in mental health, substance abuse, or domestic abuse services as initial engagement activities are required in excess of four consecutive weeks;
 - (d) The CWD determines that the individual would benefit from additional education or training prior to participation in other activities, or;
 - (~~e~~) The CWD determines that participation in ~~job search~~ initial engagement activities will not be required if the recipient is a noncitizen victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 and he or she does not have authorization to work from the United States Citizenship and Immigration Services.
- (Continued)

.554 The assessment shall include at least all of the following: (Continued)

- (h) Other information gathered during the participant's appraisal.
- (i) Other information gathered during participation in Family Stabilization.

.555 (Continued)

.6 Welfare-to-Work Plan and Universal Engagement (Continued)

.62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of ~~job search if job search, as defined in~~

~~Sections 42-701.2(j)(2) and (3), and initial engagement activities,~~ as specified in Section 42-711.53, is if these activities are initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.

- (a) ~~Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.~~ Initial engagement activities are considered to be initiated when an individual is referred for participation in the initial engagement activity. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(a), 11320.1(b), 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.2(a), (b) and (c), 11325.21, 11325.22, 11325.23, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i) , and (d).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of ~~job search~~ initial engagement activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to any of the following welfare-to-work activities as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.
(Continued)

.8 Expanded Subsidized Employment

- .81 Eligibility for entry into expanded subsidized employment under this section shall be limited to individuals who meet one of the following criteria:

.811 Aided CalWORKs recipients participating in the Welfare-to-Work Program.

- (a) These individuals may continue to participate in a county's expanded subsidized employment program if the family becomes ineligible for CalWORKs aid due to expanded subsidized employment income.

.812 Individuals in welfare-to-work sanction status as described in Section 42-721.4 who will cure their sanctions through expanded subsidized employment participation.

- (a) Expanded subsidized employment participants who cure their sanctions through expanded subsidized employment must maintain compliance with welfare-to-work requirements to continue in an expanded subsidized employment placement.

- .82 Expanded subsidized employment wage subsidies are limited to a maximum of six months for each participant, unless the county determines that the participant meets the requirements for an extension.

.821 Extensions to expand subsidized employment placements may be granted no more than twice, in three-month increments, not to exceed a total placement of 12 months. The county shall grant an extension if the additional time will increase the likelihood of either of the following:

- (a) The participant obtaining unsubsidized employment with the participating employer.
- (b) The participant obtaining specific skills and experiences relevant for unsubsidized employment for a particular field.

.822 The reason for each extension must be recorded in the participant's CalWORKs case file.

.83 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to expanded subsidized employment income.

.831 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.64, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Adopt Section 42-749 to read:

42-749 FAMILY STABILIZATION

42-749

.1 General Provisions and Applicability

.11 If, in the course of appraisal, pursuant to Section 42-711.52, or at any point during an individual's participation in welfare-to-work activities pursuant to Section 42-708.11, it is determined that the individual meets the criteria described in this section, the individual shall be eligible to participate in Family Stabilization.

.12 Individuals shall be eligible to participate in Family Stabilization if the CWD determines that their family is experiencing an identified situation or crisis that is destabilizing the family and would impair their ability to be regularly employed or participate in welfare-to-work activities.

.121 A situation or a crisis that is destabilizing the family in accordance with paragraph .11 may include, but shall not be limited to the following:

(a) Homelessness or imminent risk of homelessness.

(b) A lack of safety due to domestic abuse pursuant to Section 42-715.

(c) Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs.

.13 Individuals who are exempt from participation as described in Section 42-712, shall be eligible to participate in Family Stabilization if the CWD determines that participation in Family Stabilization will enable future participation in welfare-to-work.

.2 CWD Family Stabilization Plans

.21 Each CWD shall submit to the CDSS a plan, as defined by the CDSS, regarding how it intends to implement the provisions of this section.

.211 Family stabilization services provided to individuals are to be described in the CWD Family Stabilization plan pursuant to Section 42-749.21.

.22 If a CWD makes significant changes to its Family Stabilization program, a revised CWD Family Stabilization plan must be submitted to the CDSS as they occur.

.3 Family Stabilization Services

.31 Family stabilization services may be offered to the family in addition to those barrier removal services otherwise provided by a CWD's Welfare-to-Work Program.

.32 CWDs may offer housing and other needed services for any month in which a family is participating in the Family Stabilization Program.

.4 Family Stabilization Intensive Case Management

.41 Each CWD shall provide intensive case management to individuals who are eligible for Family Stabilization under this section.

.5 Individual Family Stabilization Plans

.51 Upon determination that a family qualifies for Family Stabilization, the CWD shall develop a Family Stabilization plan for the family.

.511 CWD Family Stabilization case managers shall develop a comprehensive plan that assists the family in resolving the identified situation or crisis.

.512 CWDs shall ensure that all staff developing Family Stabilization plans are provided all applicable training, and have the experience and skills necessary to provide support to families and individuals in crisis.

.52 For the purposes of beginning to count months toward the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708.22, an individual Family Stabilization Plan shall be used in place of a welfare-to-work plan as described in Section 42-711.6.

.53 In a two-parent household, all adults are required to have an individual Family Stabilization plan if determined eligible pursuant to this section.

.6 Participation in Family Stabilization

.61 Individuals participating in Family Stabilization are not subject to the minimum hourly participation requirements described in Section 42-711.4, for so long as the individual complies with the requirements of their Family Stabilization plan.

.62 Months that individuals participated in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock, pursuant to Section 42-708.322, for up to six cumulative months if the CWD makes a determination of good cause, in accordance with Section 42-713.

.63 Family Stabilization participants must not be sanctioned as a direct result of failing to comply with their Family Stabilization plan.

.631 Family Stabilization participants refusing or unable to follow their Family Stabilization plans, without good cause as described in Section 42-749.62, are to be returned to the traditional Welfare-to-Work Program.

.7 Transitioning to Welfare-to-Work

.71 Section 42-711.535 shall apply to individuals who are participating in Family Stabilization as an initial engagement activity.

.72 For an individual who was participating in a welfare-to-work plan, the CWD shall make a determination as to whether the individual's prior welfare-to-work plan is still appropriate or if, as a result of Family Stabilization, his or her situation has changed and the individual requires reassessment and a new welfare-to-work plan.

.721 If applicable, a referral to an assessment shall be included in an individual's Family Stabilization plan and an assessment must occur prior to an individual's transition into welfare-to-work.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11322.85, 11325.2, 11325.24, 11325.4, Welfare and Institutions Code; AB 74 (Chapter 21, Statutes of 2013), Section 35; SB 855 (Chapter 29, Statutes of 2014), Section 69; 45 CFR 260; and 42 U.S.C. 607(c) and (d).

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811721(a) and 42-716.813723(a) or expanded subsidized employment income as described in Section 42-716.81 shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility. (Continued)

Authority Cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.